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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

# MISSOURI REGISTER

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February 1, 2021 February 16, 2021	March 1, 2021 March 15, 2021	March 31, 2021 March 31, 2021	April 30, 2021 April 30, 2021
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May 3, 2021 May 17, 2021	June 1, 2021 June 15, 2021	June 30, 2021 June 30, 2021	July 30, 2021 July 30, 2021
June 1, 2021 June 15, 2021	July 1, 2021 July 15, 2021	July 31, 2021 July 31, 2021	August 30, 2021 August 30, 2021
July 1, 2021 July 15, 2021	August 2, 2021 August 16, 2021	August 31, 2021 August 31, 2021	September 30, 2021 September 30, 2021
August 2, 2021 August 16, 2021	September 1, 2021 September 15, 2021	September 30, 2021 September 30, 2021	October 30, 2021 October 30, 2021

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at [sos.mo.gov/adrules/pubsched](https://sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr)

The *Register* address is [sos.mo.gov/adrules/moreg/moreg](http://sos.mo.gov/adrules/moreg/moreg)

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title 6—DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

### Division 10—Commissioner of Higher Education and Workforce Development

#### Chapter 2—Student Financial Assistance Program

#### EMERGENCY AMENDMENT

**6 CSR 10-2.190 A+ Scholarship Program.** The department is amending paragraphs (3)(A)7. 8.

*PURPOSE: This amendment modifies the eligibility requirements for high school seniors to receive an A+ scholarship award.*

*EMERGENCY STATEMENT: This emergency amendment is necessary to respond to the COVID 19 public health emergency. This emergency amendment is necessary to preserve a compelling governmental interest, in that this amendment will prevent an undue burden to high school seniors attempting to qualify for an A+ scholarship award during the pandemic. This emergency amendment modifies the eligibility criteria for qualifying for an A+ scholarship by reducing the required number of tutoring/mentoring hours and eliminating the required Algebra I test for those students unable to take the test when it was cancelled in 2020 due to the pandemic. This emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Higher Education and Workforce Development believes this emergency amendment is fair to all inter*

*ested persons and parties under the circumstances. Failure to enact this emergency amendment will result in current high school seniors being unable to obtain an A+ scholarship award due to circumstances created by the COVID 19 public health emergency and at no fault of their own. This emergency amendment was filed April 27, 2021, becomes effective May 12, 2021, and expires February 21, 2022.*

#### (3) Eligibility Policy.

(A) To qualify for A+ tuition reimbursement, an initial recipient must meet the following criteria:

1. Attend an A+ designated high school or high schools for at least two (2) years prior to graduation and graduate from an A+ designated high school. Enrollment during the two (2) years in which the student was in attendance at one (1) or more A+ designated high schools must total a minimum of eighty percent (80%) of the instructional days required by the high school from which the student graduates. Interruptions in enrollment cumulatively totaling no more than twenty percent (20%) of instructional days in the two (2) years in which the student was in attendance at one (1) or more A+ designated high schools may occur consecutively or intermittently;

2. Make a good faith effort to first secure all available federal sources of funding that could be applied to the A+ Scholarship reimbursement;

3. Be a U.S. citizen or permanent resident;

4. Enter into a written agreement with the A+ designated high school prior to high school graduation;

5. Graduate from an A+ designated high school with an overall grade point average of at least two and one half (2.5) on a four point (4.0) scale, or the equivalent on another scale;

6. Have at least a ninety five percent (95%) attendance record overall for grades nine through twelve (9 12);

7. Have performed fifty (50) hours of unpaid tutoring or mentoring, of which up to twenty five percent (25%) may include job shadowing, prior to high school graduation, except

A. When there are circumstances beyond a student's control, the high school may extend the time period for completing this requirement on a case by case basis, not to exceed six (6) months beyond high school graduation; and

B. Due to the COVID-19 public health emergency, high school seniors graduating during the 2019-2020 and 2020-2021 academic years must have performed at least twenty-five (25) hours of unpaid tutoring or mentoring prior to high school graduation. For high school seniors graduating during the 2020-2021 academic year, up to fifty percent (50%) of the requirement can be met through job shadowing;

8. Beginning with the high school senior class of 2015, meet one (1) of the following indicators of college preparedness, unless the A+ school district has met all of the Department of Elementary and Secondary Education's (DESE) requirements for waiver of the Algebra I end of course exam for the recipient, or the student graduated during the 2019-2020 and 2020-2021 academic years that were impacted by the COVID-19 public health emergency:

A. Have achieved a score of proficient or advanced on the official Algebra I end of course exam, or a higher level DESE approved end of course exam in the field of mathematics; or

B. Meet other criteria established by the CBHE. The CBHE will develop these criteria in consultation with participating A+ institutions and A+ designated high schools and may revise these criteria annually;

9. Have maintained a record of good citizenship and avoidance of the unlawful use of drugs and/or alcohol while in grades nine through twelve (9 12). Student participation in the Constitution Project of Missouri may be included in a student's record of good citizenship in accordance with the A+ designated high school's policy;

10. Be admitted as a regular student, enroll in an eligible program, and attend on a full time basis a participating institution,

except that students in the following circumstances may be enrolled less than full time:

- A. The student is enrolled in all of the available hours applicable to the student's program of study in a given term;
- B. The student is participating in a required internship; or
- C. The student is enrolled in prerequisite courses that do not require full time enrollment;
- 11. Not be enrolled or intend to use the award to enroll in a course of study leading to a degree in theology or divinity;
- 12. Not have a criminal record preventing receipt of federal Title IV student financial aid;
- 13. Meet the institution's definition of satisfactory academic progress as determined by the participating institution's policies as applied to other students at the participating institution receiving assistance under federal Title IV student financial aid programs, with the exception of cumulative grade point average (CGPA). The student must achieve a minimum CGPA of two (2.0) on a four point (4.0) scale, or the equivalent on another scale, at the end of the fall semester for semester based programs, or at the end of the initial payment period for non semester based programs. The calculation of CGPA shall be based on the participating institution's policies as applied to other students in similar circumstances; and
- 14. For students that receive a positive net disbursement in a given term, maintain eligibility by meeting the following course completion standards. A course is considered complete if the student earns a standard grade for the course, including a failing grade but excluding a grade at withdrawal prior to completion:

A. Complete a minimum of twelve (12) semester credit hours in the fall or spring semester, six (6) credit hours in the summer term, or the equivalent, for students enrolled full time in an eligible credit hour program. Students unable to satisfy the statutory minimum requirements for full time status under the federal Title IV student financial aid programs as a result of a disability as defined by Title II of the Americans with Disabilities Act must complete a minimum of six (6) credit hours, or the equivalent, in any term;

B. Complete a minimum of ninety percent (90%) of the clock hours required for the federal payment period, for students enrolled full time in an eligible clock hour program; or

C. Complete all of the hours in which the student is enrolled in a given term, for students enrolled less than full time in accordance with subparagraphs (3)(A)10.A. C. of this rule.

**AUTHORITY:** section 160.545, RSMo Supp. [2019] 2020 and Executive Order 10 16, dated January 29, 2010. Original rule filed Feb. 17, 2011, effective Oct. 30, 2011. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed April 27, 2021, effective May 12, 2021, expires Feb. 21, 2022.

**PUBLIC COST:** This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

**PRIVATE COST:** This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 20—Pharmacy Program**

#### **EMERGENCY AMENDMENT**

**13 CSR 70-20.070 Drug Reimbursement Methodology.** The Department of Social Services is removing current sections (3), (5), and (6), amending section (3), adding a new section (4), and renumbering.

**PURPOSE:** The purpose of this emergency amendment is to remove the outdated reimbursement information for covered drugs and completely remove the reimbursement information for 340B providers. The 340B reimbursement information is being moved concurrently with this amendment to proposed rule 13 CSR 70 20.075.

**EMERGENCY STATEMENT:** This emergency amendment informs the public that the methodology for reimbursement of drugs purchased through the 340B program will be placed in a new regulation, 13 CSR 70 20.075 340B DRUG PRICING PROGRAM, on July 1, 2021. The MO HealthNet program is of critical importance to the health, safety, and welfare of its participants, and it is imperative to the department's mission that it continue to provide MO HealthNet services while not jeopardizing the federal and state funding available to all MO HealthNet participants. This emergency amendment is the result of negotiations between the department and the Center for Medicare and Medicaid Services (CMS) regarding the department's compliance with the CMS Covered Outpatient Drug Rule (42 CFR Part 447 Subpart I). As a component of this rule, the 340B program allows 340B covered entities to purchase drugs at significantly reduced prices. The methodology for reimbursement of drugs purchased through the 340B program must now be based on actual acquisition cost and approved by CMS. The prior reimbursement methodology must be revised to reflect this actual acquisition cost methodology. The department's negotiations with CMS concluded on this issue in March 2021, and this emergency amendment must be implemented urgently so that the MO HealthNet Division is in compliance with federal Medicaid legal requirements implemented by CMS. The negotiations allow MO HealthNet to reimburse Physician Administered Drugs purchased through the 340B program at a higher rate than non Physician Administered Drugs purchased through the 340B Program. The higher rate is designed to offset a portion of the loss in revenue to Covered Entities. The MO HealthNet Division has a compelling government interest in paying for drugs purchased through the 340B program in accordance with the CMS Covered Outpatient Drug Rule (42 CFR Part 447) in order to meet federal funding participation requirements. In State Fiscal Year 2020 MO HealthNet reimbursed \$115,516,774 in 340B purchased drugs, the federal share was approximately \$75,765,141.73. Failure to promulgate the emergency rule could result in a disallowance of the federal share, shifting significant costs to the State of Missouri General Revenue Fund. The shift of these costs will result in funds being pulled from other portions of the budget for the State of Missouri, impacting public health, safety and welfare of Missouri residents. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. The MO HealthNet Division believes that this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering this same material is published in this issue of the *Missouri Register*. This emergency amendment was filed April 26, 2021, becomes effective July 1, 2021, and expires February 24, 2022.

[(3) Reimbursement for covered drugs dispensed between April 1, 2017, and December 15, 2018, will be determined by applying the following hierarchy method:

- (A) Federal Upper Limit (FUL) price; if there is no FUL;
- (B) Missouri Maximum Allowed Cost (MAC); if no FUL or MAC;
- (C) Wholesale Acquisition Cost (WAC) minus three and one-tenth percent (3.1%); or
- (D) The usual and customary (U&C) charge submitted by the provider if it is lower than the chosen price (FUL, MAC, or WAC).]

[[4]](3) Effective December 16, 2018, reimbursement for covered drugs will be determined by applying the following hierarchy

method:

(A) National Average Drug Acquisition Cost (NADAC); if there is no NADAC;

(B) Missouri Maximum Allowed Cost (MAC); if no NADAC or MAC;

(C) Wholesale Acquisition Cost (WAC); or

(D) The usual and customary (U&C) charge submitted by the provider if it is lower than the chosen price (NADAC, MAC, or WAC). U&C is defined as the provider's charge to the general public that reflects all advertised savings, discounts, special promotions, or other programs including membership based discounts initiated to reduce prices for product costs available to the general public, a special population, or an inclusive category of customers.

**(4) Reimbursement for covered drugs for 340B providers as defined in 42 USC 256b(a)(4) and 42 USC 1396r-8(a)(5)(B) who carve-in for Medicaid will be calculated according to 13 CSR 70-20.075.**

*[(5) Between April 1, 2017, and December 15, 2018, reimbursement for covered drugs for 340B providers as defined by the Public Health Service Veterans Health Care Act of 1992 who carve-in for Medicaid will be determined by applying the following method:*

*(A) Wholesale Acquisition Cost (WAC) minus forty-nine percent (49%); or*

*(B) The usual and customary (U&C) charge submitted by the provider if it is lower.*

*(6) Effective December 16, 2018, reimbursement for covered drugs for 340B providers as defined by the Public Health Service Veterans Health Care Act of 1992 who carve-in for Medicaid will be determined by applying the following method:*

*(A) Wholesale Acquisition Cost (WAC) minus twenty-five percent (25%); or*

*(B) The usual and customary (U&C) charge submitted by the provider if it is lower.]*

*[(7)](5) The professional dispensing fee will be calculated according to 13 CSR 70 20.060.*

**AUTHORITY:** sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2018] 2020. This rule was previously filed as 13 CSR 40 81.150. Original rule filed April 23, 1979, effective Aug. 11, 1979. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed April 26, 2021, effective July 1, 2021, expires Feb. 24, 2022. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

**PUBLIC COST:** This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

**PRIVATE COST:** This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 20—Pharmacy Program**

**EMERGENCY RULE**

**13 CSR 70-20.075 340B Drug Pricing Program**

**PURPOSE:** This rule establishes the payment methodology for 340B covered entities as defined in section 1927(a)(5)(B) of the Social Security Act that choose to carve in Medicaid.

**EMERGENCY STATEMENT:** This emergency rule informs the public that the reimbursement methodology for drugs purchased through the 340B program will change on July 1, 2021. The 340B program allows Covered Entities to purchase drugs at significantly reduced prices. The methodology for reimbursement of drugs purchased through the 340B program must be based on actual acquisition cost and approved by the Center for Medicare and Medicaid Services (CMS). The prior reimbursement methodology must be revised to reflect actual acquisition cost. This emergency rule must be implemented urgently so that the MO HealthNet Division is in compliance with federal Medicaid legal requirements implemented through CMS. The MO HealthNet program is of critical importance to the health, safety, and welfare of its participants, and it is imperative to the department's mission that it continue to provide MO HealthNet services while not jeopardizing the federal and state funding available to all MO HealthNet participants. The MO HealthNet Division has a compelling government interest in paying for drugs purchased through the 340B program in accordance with the CMS Covered Outpatient Drug Rule (42 CFR Part 447 Subpart I) in order to meet federal funding participation requirements. In State Fiscal Year 2020 MO HealthNet reimbursed \$115,516,774 in 340B purchased drugs, the federal share was approximately \$75,765,141.73. Failure to promulgate the emergency rule could result in a disallowance of the federal share, shifting significant costs to the State of Missouri General Revenue Fund. The shift of these costs will result in funds being pulled from other portions of the budget for the State of Missouri, impacting public health, safety and welfare of Missouri residents. This amendment is the result of negotiations between the department and the Center for Medicare and Medicaid Services (CMS) regarding the department's compliance with the CMS Covered Outpatient Drug Rule. The department's negotiations with CMS concluded on this issue in March 2021, and this emergency rule must be implemented urgently so that the MO HealthNet Division is in compliance with federal Medicaid legal requirements implemented by CMS. The negotiations allow MO HealthNet to reimburse Physician Administered Drugs purchased through the 340B program at a higher rate than non Physician Administered Drugs purchased through the 340B Program. The higher rate is designed to offset a portion of the loss in revenue to Covered Entities. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The MO HealthNet Division believes that this emergency rule is fair to all interested persons and parties under the circumstances. A proposed rule covering this same material is published in this issue of the **Missouri Register**. This emergency rule was filed April 26, 2021, becomes effective July 1, 2021, and expires February 24, 2022.

(1) 340B covered entities that choose to carve in Medicaid must provide the Health Resources and Services Administration (HRSA) with their National Provider Identification (NPI) and their MO HealthNet Division (MHD) provider number for each site that carves in for inclusion in the HRSA Medicaid Exclusion File.

(2) 340B covered entities are required to identify 340B purchased drugs at the claims level using the following codes:

(A) Point of sale pharmacy claims: Submission Clarification Code (SCC) 20; and

(B) Medical and outpatient claims: Modifier JG or TB.

(3) Failure to include the appropriate submission clarification code or modifier on a 340B purchased drug will result in the MHD collecting rebate on the claim and may subject the covered entity to audit penalties. The MHD will deny claims from providers who submit an SCC of 20 or 340B modifier but have not notified HRSA of

carve in status.

(4) Effective July 1, 2021, reimbursement for 340B identified covered drugs for 340B providers as defined by 42 USC 256b(a)(4) and 42 USC 1396r 8(a)(5)(B) who carve in for Medicaid will be determined by applying the following method:

(A) 340B purchased drugs dispensed by pharmacy providers will be reimbursed at their actual acquisition cost, up to the 340B Maximum Allowable Cost (MAC) (calculated ceiling price) plus a professional dispensing fee. Covered entities are required to bill no more than their actual acquisition cost plus the professional dispensing fee.

1. The 340B MAC (calculated ceiling price) is defined as the Average Manufacturer Price (AMP) minus Unit Rebate Agreement (URA).

(B) Physician administered drugs purchased through the 340B program will be reimbursed the lesser of the Physician Administered 340B MAC or the actual acquisition cost submitted by the provider. A professional dispensing fee is not applied to physician administered drugs.

1. The Physician Administered 340B MAC is calculated by adding six percent (6%), up to six hundred dollars (\$600), to the calculated ceiling price.

(5) 340B contract pharmacies are not covered under this policy and must carve out Medicaid from their 340B operation unless MHD approves an exception.

*AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016. Emergency rule filed April 26, 2021, effective July 1, 2021, expires Feb. 24, 2022. A proposed rule covering this same material is published in this issue of the Missouri Register.*

*PUBLIC COST: This emergency rule will cost state agencies or political subdivisions an estimated one (1) time implementation cost of twenty five thousand dollars (\$25,000) and a cost of forty five thousand dollars (\$45,000) in the time the emergency is effective.*

*PRIVATE COST: This emergency rule will cost private entities an estimated eighteen million, three hundred forty six thousand five hundred eighty four dollars (\$18,346,584) in the time the emergency is effective.*



**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 13—Department of Social Services  
**Division Title:** Division 70—MO HealthNet Division  
**Chapter Title:** Chapter 20—Pharmacy Programs

<b>Rule Number and Name:</b>	13 CSR 70-20.075 340B Drug Pricing Program
<b>Type of Rulemaking:</b>	Emergency Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Social Services-MO HealthNet	One-time implementation cost of \$25,000 Ongoing cost for July 1-December 31, 2021 of \$45,000

**III. WORKSHEET**

MO HealthNet will utilize a contractor to establish the 340B MAC Rates. This contract will have a one-time implementation cost of approximately \$25,000 in addition to the ongoing quarterly file delivery cost of approximately \$45,000 for July 1-December 31, 2021.

**IV. ASSUMPTIONS**

The state assumes an estimated savings of \$18,346,584 for July 1-December 31, 2021.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13—Department of Social Services  
**Division Title:** Division 70—MO HealthNet Division  
**Chapter Title:** Chapter 20—Pharmacy Programs

<b>Rule Number and Name:</b>	13 CSR 70-20.075 340B Drug Pricing Program
<b>Type of Rulemaking:</b>	Emergency Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
180	Enrolled MO HealthNet Providers enrolled in the 340B program	Estimated costs for July 1, 2021-December 31, 2021: \$18,346,584

**III. WORKSHEET**

Beginning 7/1/2021, the new reimbursement methodology for 340B purchased medications will be the lesser of the 340B Maximum Allowed Cost (MAC) based on the calculated ceiling price for medications or the providers usual and customary charge. Pharmacy providers will also receive the standard dispensing fee. All other providers will receive the Physician-Administered 340B MAC which is calculated by adding 6%, up to \$600, to the calculated ceiling price. The current payment to 340B providers is Wholesale Acquisition Cost (WAC) minus 25%. For the timeframe of 10/1/19 – 9/30/2020, 340B providers were reimbursed a total of \$114,365,477. It is anticipated under the new methodology the estimated total reimbursement would be \$78,479,826 resulting in an annual public savings. These figures do not include the dispensing fee, which is covered under 13 CSR 70-20.060.

**IV. ASSUMPTIONS**

New reimbursement amounts were applied to claims processed from 10/1/2019 – 9/30/2020.

**Title 15—ELECTED OFFICIALS**  
**Division 40—State Auditor**  
**Chapter 3—Rules Applying to Political Subdivisions**

**EMERGENCY AMENDMENT**

**15 CSR 40-3.125 Calculation and Revision of Property Tax Rates by School Districts.** The State Auditor's office is amending section (2) by replacing Summary Page, Form B, and Informational Data form and section (3) by replacing Summary Page, Form B, Informational Summary Page, and Informational Form B.

*PURPOSE: This amendment updates the forms submitted by school districts to the Missouri State Auditor's office when setting their property tax rates under section 137.073, RSMo, by removing references to a calculation in Section 137.073.5(2), RSMo, that was found to be unconstitutional by the Court of Appeals, Eastern District, in Blankenship v. Franklin County, Case Number ED108824.*

*EMERGENCY STATEMENT: On March 2, 2021, in Blankenship v. Franklin County, Case Number ED108824, the Court of Appeals, Eastern District, held that the tax rate calculation provided for political subdivisions in Section 137.073.5(2), RSMo, violates Missouri Constitution, Article X, Section 22(a). In conformity with this decision, this emergency amendment removes the calculation found to be unconstitutional from the tax rate forms that school districts must file with the State Auditor's office to set their tax rates as provided by Section 137.073, RSMo. This emergency amendment must be effective when school districts set their tax rates for 2021. School districts in first class charter counties are required to file their final tax rate forms with the State Auditor's office by October 1, 2021. All other school districts must file by September 1, 2021. The State Auditor's office therefore finds that this emergency amendment is necessary to preserve a compelling governmental interest that the tax calculation forms school districts submit to the State Auditor's office contain lawful calculations as provided by law. The State Auditor's office believes this emergency amendment is fair to all interested parties under these circumstances. A proposed amendment, which covers this same material, is published in this issue of the Missouri Register. The scope of the rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. This emergency amendment was filed April 28, 2021, becomes effective May 13, 2021, and expires December 30, 2021.*

(2) Single Tax Rate The following forms with instructions for single tax rate review have been adopted and approved for use by school districts (not wholly in St. Louis County):

- (A) Summary Page, included herein;
- (C) Form B, included herein;
- (E) Informational Data, included herein;

(3) Multi Tax Rate The following forms with instructions for multi tax rate review have been adopted and approved for use by school districts levying a separate rate on each subclass of property (wholly in St. Louis County):

- (A) Summary Page, included herein;
- (C) Form B, included herein;
- (E) Informational Summary Page, included herein;
- (G) Informational Form B, included herein;



## PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

## Summary Page

(20XX)

## For School Districts Levying a Single Rate on All Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

**The final version of this form MUST be sent to the county clerk.**

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political  
Subdivision Use  
in Calculating  
its Tax Rate

A. **Prior year tax rate ceiling** as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)

B. **Current year rate computed** pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 22)

C. **Amount of rate increase authorized by voters** if same purpose (Form B, Line 8)

OR

**Increase to the total operating levy up to \$2.75 per Amendment 2**, if applicable  
Date the School Board decided to use Amendment 2 (if using)

D. **Rate to compare to maximum authorized levy to determine tax rate ceiling**  
(Line B if no election, otherwise Line C)

E. **Maximum authorized levy** greater of the 1984 rate or most recent voter approved rate

F. **Current year tax rate ceiling** maximum legal rate to comply with Missouri laws  
Political subdivisions tax rate (Lower of Line D or E)

G1. **Less required Proposition C (sales tax) reduction** taken from tax rate ceiling (Line F), if applicable  
Circle the type of waiver your district has Full Partial No  
Attach a copy of the DESE Prop C Reduction Worksheet if there is no waiver.

G2. **Less 20% required reduction 1st class charter county school district NOT submitting an estimated non-binding tax rate to the county(ies)** taken from tax rate ceiling (Line F)

H. **Less voluntary reduction by school district** taken from tax rate ceiling (Line F)  
WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.

I. **Plus allowable recoupment rate** added to the tax rate ceiling (Line F) If applicable, attach Form G or H.

J. **Tax rate to be levied** (Line F - Line G1 - Line G2 - Line H + Line I)

AA. **Rate to be levied for debt service**, if applicable (Form C, Line 12)

BB. **Additional special purpose rate authorized by voters** after the prior year tax rates were set  
(Form B, Line 8 if a different purpose)

## Certification

I, the undersigned, \_\_\_\_\_ (Office) of \_\_\_\_\_ (School District) levying a rate in \_\_\_\_\_ (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief. **Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.**

_____	_____	_____	_____
(Date)	(Signature)	(Print Name)	(Telephone)

## Proposed rate to be entered on tax books by the county clerk

based on the certification from the political subdivision: Lines J \_\_\_\_\_ AA \_\_\_\_\_ BB \_\_\_\_\_

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

_____	_____	_____	_____
(Date)	(County Clerk's Signature)	(County)	(Telephone)



**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

XX/XX/20XX

**Form B**

(20XX)

**For School Districts Levying a Single Rate on All Property**

\_\_\_\_\_  
Name of Political Subdivision

\_\_\_\_\_  
Political Subdivision Code

\_\_\_\_\_  
Purpose of Levy

**The final version of this form MUST be sent to the county clerk.**

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where the voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

**1. Date of election**

\_\_\_\_\_

**2. Ballot language**

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

**3. Election results**

\_\_\_\_\_  
(Yes)

\_\_\_\_\_  
(No)

**4. Expiration date**

Enter the last year the levy will be in effect, if applicable.

\_\_\_\_\_

**5. New Proposition C waiver**

Indicate whether the district obtained a **new waiver** to eliminate part or all of the required Proposition C Reduction.

\_\_\_\_\_

**Indicate the election results on the Proposition C waiver**

\_\_\_\_\_  
(Yes)

\_\_\_\_\_  
(No)

**6. Amount of increase approved by voters**

(An "increase/decrease of/by")

**OR**

(a) \_\_\_\_\_

**Stated Rate Approved by Voters**

(An "increase/decrease to")

(b) \_\_\_\_\_

**7. Prior year tax rate ceiling or voluntarily reduced rate to apply voter approved increase to**

(Summary Page, Line A if increase to an existing rate, otherwise 0)

\_\_\_\_\_

**8. Voter approved increased tax rate to adjust**

(If an "increase of/by" ballot, Line 6a + Line 7, if an "increase to" ballot, Line 6b)

\_\_\_\_\_

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED****XX/XX/20XX****Informational Data****(20XX)****For School Districts Levying a Single Rate on All Property**

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

Based on Prior  
Year Tax Rate  
Ceiling as if No  
Voluntary  
Reductions  
were Taken

**Informational Summary Page**

- A. **Prior year tax rate ceiling** (Prior year Informational Summary Page, Line F)
- B. **Current year rate computed** (Informational Form A, Line 22 below)
- C. **Amount of increase authorized by voters for current year** (Informational Form B, Line 8 below)
- D. **Rate to compare to maximum authorized levy** (Line B if no election, otherwise Line C)
- E. **Maximum authorized levy** Greater of the 1984 rate or most recent voter approved rate
- F. **Tax rate ceiling if no voluntary reductions were taken in a prior even numbered year** (Lower of Line D or E)

**Informational Form A**

9. **Percentage increase in adjusted valuation** (Form A, Line 4 - Line 8 / Line 8 x 100)
10. **Increase in Consumer Price Index (CPI)** certified by the State Tax Commission
11. **Adjusted prior year assessed valuation** (Form A, Line 8)
12. **(2019) Tax rate ceiling from prior year** (Informational Summary Page, Line A from above)
13. **Maximum prior year adjusted revenue** from locally assessed property that existed in both years (Line 11 x Line 12 / 100)
14. **Maximum prior year adjusted revenue** from state assessed property before reductions, provided by DESE
15. **Total adjusted prior year revenue** (Line 13 + Line 14)
16. **Permitted reassessment revenue growth**  
The percentage entered on Line 16 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%.  
A negative figure on Line 9 is treated as a 0 for Line 16 purposes. Do not enter less than 0, nor more than 5%.
17. **Additional reassessment revenue permitted** (Line 15 x Line 16)
18. **Total revenue permitted in current year** from property that existed in both years (Line 15 + Line 17)
19. **Estimated current year revenue from state assessed property** before reductions, estimated by school district
- 19a **New construction and improvements** (Line 19 - Line 14, if negative enter 0)
- 19b **Adjusted estimated current year revenue from state assessed property** before reductions (Line 19 - Line 19a)
20. **Revenue permitted from existing locally assessed property** (Line 18 - Line 19b)
21. **Adjusted current year assessed valuation** (Form A, Line 4)
22. **Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo**, if no voluntary reduction was taken (Line 20 / Line 21 x 100)

**Informational Form B**

7. **Prior year tax rate ceiling to apply voter approved increase to**  
(Informational Summary Page, Line A if increase to an existing rate, otherwise 0)
8. **Voter approved increased tax rate to adjust**  
(If an "increase of/by" ballot, Form B, Line 6a + Line 7, if an "increase to" ballot, Form B, Line 6b)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

xx/xx/20xx

Summary Page

(20XX)

For School Districts Calculating a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Summary Page, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	Real Estate			Personal Property	Prior Method Single Rate
	Residential	Agriculture	Commercial		
A. <b>Prior year tax rate ceiling</b> as defined in Chapter 137, RSMo, revised if prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)					
B. <b>Current year rate computed</b> pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073 RSMo, if no voter approved increase (Form A, Line 41 & Line 27 prior method)					
C. <b>Amount of rate increase authorized by voters</b> if same purpose (Form B, Line 9 & Line 12 prior method) <b>OR</b> <b>Increase of the total operating levy up to \$2.75 per Amendment 2</b> , if applicable Date the School Board decided to use Amendment 2: _____					
D. <b>Rate to compare to maximum authorized levy to determine tax rate ceiling</b> (Line B if no election, otherwise Line C)					
E. <b>Maximum authorized levy</b> greater of the 1984 rate or most recent voter approved rate					
F. <b>Current year tax rate ceiling</b> maximum legal rate to comply with Missouri laws					
G. 1. <b>Less required Proposition C (sales tax) reduction</b> taken from tax rate ceiling (Line F), if applicable. Circle the type of waiver your district has. Full Partial No Attach a copy of the DESE Prop C Reduction Worksheet if there is no waiver.					
G. 2. <b>Less 20% required reduction 1st class charter county school district NOT submitting an estimated non-binding tax rate to the county(ies)</b> taken from tax rate ceiling (Line F)					
H. <b>Less voluntary reduction by school district</b> taken from tax rate ceiling (Line F) WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year					
I. <b>Plus allowable recoupment rate</b> added to tax rate ceiling (Line F) If applicable attach Form G or H					
J. <b>Tax rate to be levied</b> (Line F - Line G1 - Line G2 - Line H + Line I)					
AA. <b>Rate to be levied for debt service</b> , if applicable (Form C, Line 12)					
BB. <b>Additional special purposed rate authorized by voters</b> after the prior year tax rates were set (Form B, Line 9 & Line 12 prior method if a different purpose)					

CERTIFICATION

I, the undersigned, \_\_\_\_\_ (Office) of \_\_\_\_\_ (Political Subdivision) levying a rate in \_\_\_\_\_ (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date)	(Signature)	(Print Name)	(Telephone)
<b>Proposed rate to be entered on tax books by county clerk based on the certification from the political subdivision:</b>			
Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section.			
Lines:		J	
		AA	
		BB	

(Date)	(County Clerk's Signature)	(County)	(Telephone)
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## PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX  
(20XX)

## Form B

## For School Districts Calculating a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

1. **Date of election** \_\_\_\_\_
2. **Ballot language**  
Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. **Election results** \_\_\_\_\_  
(Yes) (No)

4. **Expiration date**  
Enter the last year the levy will be in effect, if applicable. \_\_\_\_\_

5. **New Proposition C waiver**  
Indicate whether the district obtained a new waiver to eliminate part or all of required Proposition C reduction. \_\_\_\_\_  
Attach a sample ballot or state the proposition posed exactly as it appeared on the ballot.

Also, indicate the election results on the Proposition C waiver. \_\_\_\_\_  
(Yes) (No)

- |  | Residential | Agricultural | Commercial | Personal Property | Total |
|--|-------------|--------------|------------|-------------------|-------|
| 6. <b>Amount of increase approved by voters</b><br>(An "increase/decrease of/by") <b>OR</b> a. _____   |             |              |            |                   |       |
| <b>Stated rate approved by voters</b><br>(An "increase/decrease to") b. _____  |             |              |            |                   |       |
| 7. <b>Prior year tax rate ceiling or voluntarily reduced rate to apply voter approved increase to</b><br>(Summary Page, Line A if increase of/by/to an existing rate, otherwise 0) _____ |             |              |            |                   |       |
| 8. <b>Voter approved increased rate</b><br>(If Line 6a > 0, then Line 6a + Line 7, otherwise, Line 6b) _____   |             |              |            |                   |       |
| 9. <b>Voter approved increased rate rounded</b> (If Line 8 < 1, then round to a 3-digit rate, otherwise round to a 4-digit rate) _____   |             |              |            |                   |       |
| <b>Prior Method Single Rate Calculation for Voter Approved Increase</b>  |             |              |            |                   |       |
| 10. <b>Total revenue allowed</b> (If no increase of/by/to, then Form A, Line 20, otherwise Form B Line 9 x Line 11 / 100) _____  |             |              |            |                   |       |
| 11. <b>Adjusted current year assessed valuation</b><br>(Form A, Line 5) _____  |             |              |            |                   |       |
| 12. <b>Prior method single increased rate</b><br>(Line 10 total / Line 11 total x 100) _____   |             |              |            |                   |       |





PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

Informational Summary Page

(20XX)

For School Districts Calculating a Separate Rate on Each Subclass of Property

\_\_\_\_\_  
Name of Political Subdivision

\_\_\_\_\_  
Political Subdivision Code

\_\_\_\_\_  
Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page had no voluntary reduction(s) been taken in prior even numbered year(s) The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review

	Real Estate			Personal Property	Prior Method Single Rate
	Residential	Agriculture	Commercial		
A. <b>Prior year tax rate ceiling</b> as defined in Chapter 137, RSMo, revised if prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Informational Summary Page, Line F)	_____	_____	_____	_____	_____
B. <b>Current year rate computed</b> pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Informational Form A, Line 37 & Line 23 prior method)	_____	_____	_____	_____	_____
C. <b>Amount of rate increase authorized by voters for current year</b> if same purpose (Informational Form B, Line 9 & Line 12 prior method)	_____	_____	_____	_____	_____
D. <b>Rate to compare to maximum authorized levy to determine tax rate ceiling</b> (Line B if no election, otherwise Line C)	_____	_____	_____	_____	_____
E. <b>Maximum authorized levy</b> the most recent voter approved rate	_____	_____	_____	_____	_____
F. <b>Current year tax rate ceiling</b> maximum legal rate to comply with Missouri laws based on prior year tax rate ceiling (Lower of Line D or Line E)	_____	_____	_____	_____	_____



## PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX  
(20XX)

## Informational Form B

## For School Districts Calculating a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

**The final version of this form MUST be sent to the county clerk.**

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

1. **Date of election** \_\_\_\_\_
2. **Ballot language**  
Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. **Election results** \_\_\_\_\_  
(Yes) (No)

4. **Expiration date**  
Enter the last year the levy will be in effect, if applicable. \_\_\_\_\_

5. **New Proposition C waiver**  
Indicate whether the district obtained a **new** waiver to eliminate part or all of required Proposition C reduction. \_\_\_\_\_  
Attach a sample ballot or state the proposition posed exactly as it appeared on the ballot.

Also, indicate the election results on the Proposition C waiver. \_\_\_\_\_  
(Yes) (No)

- |  | Residential | Agricultural | Commercial | Personal Property | Total |
|--|-------------|--------------|------------|-------------------|-------|
| 6. <b>Amount of increase approved by voters</b><br>(An "increase/decrease of/by") <b>OR</b> a. _____   |             |              |            |                   |       |
| <b>Stated rate approved by voters</b><br>(An "increase/decrease to") b. _____  |             |              |            |                   |       |
| 7. <b>Prior year tax rate ceiling or voluntarily reduced rate to apply voter approved increase to</b><br>(Informational Summary Page, Line A if increase of/by/to an existing rate, otherwise 0) _____ |             |              |            |                   |       |
| 8. <b>Voter approved increased rate</b><br>(If Line 6a > 0, then Line 6a + Line 7, otherwise, Line 6b) _____   |             |              |            |                   |       |
| 9. <b>Voter approved increased rate rounded</b> (If Line 8 < 1, then round to a 3-digit rate, otherwise round to a 4-digit rate) _____   |             |              |            |                   |       |
| <b>Prior Method Single Rate Calculation for Voter Approved Increase</b>  |             |              |            |                   |       |
| 10. <b>Total revenue allowed</b> (If no increase of/by/to, then Informational Form A, Line 20, otherwise Informational Form B Line 9 x Line 11 / 100) _____  |             |              |            |                   |       |
| 11. <b>Adjusted current year assessed valuation</b><br>(Informational Form A, Line 5) _____  |             |              |            |                   |       |
| 12. <b>Prior method single increased rate</b><br>(Line 10 total / Line 11 total x 100) _____   |             |              |            |                   |       |

**AUTHORITY:** sections 29.100 and 137.073.6, RSMo 2016. Original rule filed March 24, 2016, effective Nov. 30, 2016. Amended: Filed Jan. 31, 2018, effective July 30, 2018. Amended: Filed Jan. 28, 2019, effective July 30, 2019. Emergency amendment filed April 28, 2021, effective May 13, 2021, expires Dec.30, 2021. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**PUBLIC COST:** This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

**PRIVATE COST:** This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

**Title 15—ELECTED OFFICIALS**  
**Division 40—State Auditor**  
**Chapter 3—Rules Applying to Political Subdivisions**

**EMERGENCY AMENDMENT**

**15 CSR 40-3.135 Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts.** The State Auditor's office is amending section (2) by replacing Summary Page, Form B, and Informational Data form and section (3) by replacing Summary Page, Form B, Informational Summary Page, and Informational Form B.

**PURPOSE:** This amendment updates the forms and calculations submitted by political subdivisions other than school districts to the Missouri State Auditor's office when setting their property tax rates under section 137.073, RSMo, by removing references to a calculation in section 137.073.5(2), RSMo, that was found to be unconstitutional by the Court of Appeals, Eastern District, in *Blankenship v. Franklin County*, Case Number ED108824.

**EMERGENCY STATEMENT:** On March 2, 2021, in *Blankenship v. Franklin County*, Case Number ED108824, the Court of Appeals, Eastern District, held that the tax rate calculation provided for political subdivisions in Section 137.073.5(2), RSMo, violates **Missouri Constitution**, Article X, Section 22(a). In conformity with this decision, this emergency amendment removes the calculation found to be unconstitutional from the tax rate forms all political subdivisions must file with the State Auditor's office to set their tax rates as provided by Section 137.073, RSMo. This emergency amendment must be effective when political subdivisions set their tax rates for 2021. Political subdivisions in first class charter counties are required to file their final tax rate forms with the State Auditor's office by October 1, 2021. All other political subdivisions must file by September 1, 2021. The State Auditor's office therefore finds that this emergency amendment is necessary to preserve a compelling governmental interest that the tax calculation forms political subdivisions submit to the State Auditor's office contain lawful calculations as provided by law. The State Auditor's office believes this emergency amendment is fair to all interested parties under these circumstances. A proposed amendment, which covers this same material, is published in this issue of the *Missouri Register*. The scope of the rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. This emergency amendment was filed April 28, 2021, becomes effective May 13, 2021, and expires December 30, 2021.

(2) Single Tax Rate The following forms with instructions for single tax rate review have been adopted and approved for use by political subdivisions:

(A) Summary Page, included herein;

(C) Form B, included herein;

(E) Informational Data, included herein;

(3) Multi Tax Rate The following forms with instructions for multi tax rate review are available from the Missouri State Auditor's Office and have been adopted and approved for use by political subdivisions:

(A) Summary Page, included herein;

(C) Form B, included herein;

(E) Informational Summary Page, included herein;

(G) Informational Form B, included herein;



## PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

## Summary Page

(20XX)

## For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political  
Subdivision Use  
in Calculating  
its Tax Rate

- A. **Prior year tax rate ceiling** as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)
- B. **Current year rate computed** pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 18)
- C. **Amount of rate increase authorized by voters for current year** if same purpose (Form B, Line 7)
- D. **Rate to compare to maximum authorized levy to determine tax rate ceiling** (Line B if no election, otherwise Line C)
- E. **Maximum authorized levy** the most recent voter approved rate
- F. **Current year tax rate ceiling** maximum legal rate to comply with Missouri laws  
Political subdivisions tax rate (Lower of Line D or E)
- G1. **Less required sales tax reduction** taken from tax rate ceiling (Line F), if applicable
- G2. **Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies)** taken from tax rate ceiling (Line F)
- H. **Less voluntary reduction by political subdivision** taken from the tax rate ceiling (Line F)  
WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.
- I. **Plus allowable recoupment rate** added to tax rate ceiling (Line F) If applicable, attach Form G or H.
- J. **Tax rate to be levied** (Line F - Line G1 - Line G2 - Line H + Line I)
- AA. **Rate to be levied for debt service**, if applicable (Form C, Line 10)
- BB. **Additional special purpose rate authorized by voters** after the prior year tax rates were set (Form B, Line 7 if a different purpose)

## Certification

I, the undersigned, \_\_\_\_\_ (Office) of \_\_\_\_\_ (Political Subdivision)  
levying a rate in \_\_\_\_\_ (County(ies)) do hereby certify that the data set forth above and on the  
accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date)	(Signature)	(Print Name)	(Telephone)

## Proposed rate to be entered on tax books by county clerk

based on certification from the political subdivision: Lines

J

AA

BB

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(Date)	(County Clerk's Signature)	(County)	(Telephone)



**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

XX/XX/20XX

**Form B**

(20XX)

**For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

\_\_\_\_\_  
Name of Political Subdivision

\_\_\_\_\_  
Political Subdivision Code

\_\_\_\_\_  
Purpose of Levy

**The final version of this form MUST be sent to the county clerk.**

\_\_\_\_\_  
Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where the voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

**1. Date of election**

\_\_\_\_\_

**2. Ballot language**

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

**3. Election results**

\_\_\_\_\_  
(Yes)

\_\_\_\_\_  
(No)

**4. Expiration date**

Enter the last year the levy will be in effect, if applicable.

**5. Amount of increase approved by voters**

(An "increase/decrease of/by")

**OR**

(a) \_\_\_\_\_

**Stated rate approved by voters**

(An "increase/decrease to")

(b) \_\_\_\_\_

**6. Prior year tax rate ceiling or voluntarily reduced rate to apply voter approved increase to**

(Summary Page, Line A if increase to an existing rate, otherwise 0)

\_\_\_\_\_

**7. Voter approved increased tax rate to adjust**

(If an "increase of/by" ballot, Line 5a + Line 6, if an "increase to" ballot, Line 5b)

\_\_\_\_\_

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED****XX/XX/20XX****Informational Data****(20XX)****For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Based on Prior  
Year Tax Rate  
Ceiling as if No  
Voluntary  
Reductions  
were Taken

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review

**Informational Summary Page**

- A. **Prior year tax rate ceiling** (Prior year Informational Summary Page, Line F)
- B. **Current year rate computed** (Informational Form A, Line 18 below)
- C. **Amount of increase authorized by voters for current year** (Informational Form B, Line 7 below)
- D. **Rate to compare to maximum authorized levy**  
(Line B if no election, otherwise Line C)
- E. **Maximum authorized levy** most recent voter approved rate
- F. **Tax rate ceiling if no voluntary reductions were taken in a prior even numbered year**  
(Lower of Line D or E)

**Informational Form A**

9. **Percentage increase in adjusted valuation** (Form A, Line 4 - Line 8 / Line 8 x 100)
10. **Increase in Consumer Price Index (CPI)** certified by the State Tax Commission
11. **Adjusted prior year assessed valuation** (Form A, Line 8)
12. **(2019) Tax rate ceiling from prior year** (Informational Summary Page, Line A from above)
13. **Maximum prior year adjusted revenue** from property that existed in both years (Line 11 x Line 12 / 100)
14. **Permitted reassessment revenue growth**  
The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%.  
A negative figure on Line 9 is treated as a 0 for Line 14 purposes. Do not enter less than 0, nor more than 5%.
15. **Additional reassessment revenue permitted** (Line 13 x Line 14)
16. **Total revenue permitted in current year** from property that existed in both years (Line 13 + Line 15)
17. **Adjusted current year assessed valuation** (Form A, Line 4)
18. **Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo**, if no voluntary reduction was taken (Line 16 / Line 17 x 100)

**Informational Form B**

6. **Prior year tax rate ceiling to apply voter approved increase to**  
(Informational Summary Page, Line A if increase to an existing rate, otherwise 0)
7. **Voter approved increased tax rate to adjust**  
(If an "increase of/by" ballot, Form B, Line 5a + Line 6, if an "increase to" ballot, Form B, Line 5b)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

Summary Page

(20XX)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Summary Page, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	Real Estate	Personal	Prior Method		
	Residential	Agriculture	Commercial	Property	Single Rate
A. <b>Prior year tax rate ceiling</b> as defined in Chapter 137, RSMo, revised if prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)					
B. <b>Current year rate computed</b> pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 37 & Line 23 prior method)					
C. <b>Amount of rate increase authorized by voters for current year</b> if same purpose (Form B, Line 8 & Line 11 prior method)					
D. <b>Rate to compare to maximum authorized levy to determine tax rate ceiling</b> (Line B if no election, otherwise Line C)					
E. <b>Maximum authorized levy</b> the most recent voter approved rate					
F. <b>Current year tax rate ceiling</b> maximum legal rate to comply with Missouri laws Political subdivision's tax rate (Lower of Line D or Line E)					
G. 1. <b>Less required sales tax reduction</b> taken from tax rate ceiling (Line F), if applicable					
G. 2. <b>Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies)</b> taken from tax rate ceiling (Line F)					
H. <b>Less voluntary reduction by political subdivision taken from tax rate ceiling (Line F)</b> WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year					
I. <b>Plus allowable recoupment rate</b> added to tax rate ceiling (Line F) If applicable, attach Form G or H					
J. <b>Tax rate to be levied</b> (Line F - Line G1 - Line G2 - Line H + Line I)					
AA. <b>Rate to be levied for debt service</b> , if applicable (Form C, Line 10)					
BB. <b>Additional special purposed rate authorized by voters</b> after the prior year tax rates were set (Form B, Line 8 & Line 11 prior method if a different purpose)					

Certification

I, the undersigned, \_\_\_\_\_ (Office) of \_\_\_\_\_ (Political Subdivision) levying a rate in \_\_\_\_\_ (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date)	(Signature)	(Print Name)	(Telephone)
<b>Proposed rate to be entered on tax books by the county clerk based on the certification from the political subdivision:</b>			
Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section.		Lines: <b>J</b>	_____
		<b>AA</b>	_____
		<b>BB</b>	_____
(Date)	(County Clerk's Signature)	(County)	(Telephone)



## PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

## Form B

(20XX)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

## 1. Date of election

## 2. Ballot language

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

## 3. Election results

(Yes)

(No)

## 4. Expiration date

Enter the last year the levy will be in effect, if applicable.

## Real Estate

Residential

Agricultural

Commercial

Personal Property

Total

## 5. Amount of increase approved by voters

(An "increase/decrease of/by")

OR

a.

## Stated rate approved by voters

(An "increase/decrease to")

b.

## 6. Prior year tax rate ceiling or voluntarily reduced rate to apply voter approved increase to

(Summary Page, Line A if increase of/by/to an existing rate, otherwise 0)

## 7. Voter approved increased rate

(If Line 5a > 0, then Line 5a + Line 6, otherwise, Line 5b)

## 8. Voter approved increased rate rounded (If Line 7 &lt; 1, then round to a 3-digit rate, otherwise round to a 4-digit rate)

## Prior Method Single Rate Calculation for Voter Approved Increase

## 9. Total revenue allowed (If no increase of/by/to, then Form A, Line 18, otherwise Form B Line 8 x Line 10 / 100)

## 10. Adjusted current year assessed valuation

(Form A, Line 5)

## 11. Prior method single increased rate

(Line 9 total / Line 10 total x 100)





PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

Informational Summary Page

(20XX)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

	Real Estate			Personal Property	Prior Method Single Rate
	Residential	Agriculture	Commercial		
A. <b>Prior year tax rate ceiling</b> as defined in Chapter 137, RSMo, revised if prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Informational Summary Page, Line F)					
B. <b>Current year rate computed</b> pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Informational Form A, Line 37 & Line 23 prior method)					
C. <b>Amount of rate increase authorized by voters for current year</b> if same purpose (Informational Form B, Line 8 & Line 11 prior method)					
D. <b>Rate to compare to maximum authorized levy to determine tax rate ceiling</b> (Line B if no election, otherwise Line C)					
E. <b>Maximum authorized levy</b> the most recent voter approved rate					
F. <b>Current year tax rate ceiling</b> maximum legal rate to comply with Missouri laws based on prior year tax rate ceiling (Lower of Line D or Line E)					



## PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

## Informational Form B

(20XX)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

**The final version of this form MUST be sent to the county clerk.**

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

1. **Date of election**2. **Ballot language**

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. **Election results**

(Yes)

(No)

4. **Expiration date**

Enter the last year the levy will be in effect, if applicable.

## Real Estate

Residential

Agricultural

Commercial

Personal Property

Total

5. **Amount of increase approved by voters**(An "increase/decrease of/by") **OR**

a.

**Stated rate approved by voters**

(An "increase/decrease to")

b.

6. **Prior year tax rate ceiling to apply voter approved increase to**

(Informational Summary Page, Line A if increase of/by/to an existing rate, otherwise 0)

7. **Voter approved increased rate**

(If Line 5a > 0, then Line 5a + Line 6b, otherwise, Line 5b)

8. **Voter approved increased rate rounded** (If Line 7 < 1, then round to a 3-digit rate, otherwise round to a 4-digit rate)**Prior Method Single Rate Calculation for Voter Approved Increase**9. **Total revenue allowed** (If no increase of/by/to, then Informational Form A, Line 18, otherwise Informational Form B Line 8 x Line 10 / 100)10. **Adjusted current year assessed valuation**

(Informational Form A, Line 5)

11. **Prior method single increased rate**

(Line 9 total / Line 10 total x 100)

*AUTHORITY: sections 29.100 and 137.073.6, RSMo 2016. Original rule filed March 24, 2016, effective Nov. 30, 2016. Amended: Filed Jan. 31, 2018, effective July 30, 2018. Amended: Filed Jan. 28, 2019, effective July 30, 2019. Emergency amendment filed April 28, 2021, effective May 13, 2021, expires Dec. 30, 2021. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

*[Division 20—Division of Learning Services]*

**Division 30—Division of Financial and Administrative Services**

*[Chapter 300—Office of Special Education]*

**Chapter 660—School Finance**

### **PROPOSED AMENDMENT**

*[5 CSR 20-300.130] 5 CSR 30-660.095 State Agency Payments to School Districts for Educational Services. The State Board of Education is moving the rule number and amending sections (1) (4).*

**PURPOSE:** *This amendment moves this rule to the Division of Financial and Administrative Services, because it receives reimbursement applications and processes payments, and this amendment clarifies eligibility guidelines and reimbursement procedures for publicly placed students.*

(1) The Department of Elementary and Secondary Education (**department**) shall expend general revenue appropriated to fund the excess cost of educational services provided to a child/—a) *whose domicile is in one district but is placed in programs or facilities operated by the Department of Mental Health or resides in another district pursuant to assignment by that department or b) whose domicile is in one district but is placed by the Division of Family Services into any type of publicly contracted residential site in Missouri; or c) whose domicile is in one district but is placed by a court of competent jurisdiction into any type of publicly contracted residential site in Missouri.] who is admitted to programs or facilities or placed in them as provided by section 167.126, RSMo, or other relevant statutes. The [Department of Elementary and Secondary Education] **department** shall pay the serving school districts the excess cost of services provided, e.g., an amount by which the per pupil costs of the educational services exceeds the funds received from the domiciliary school district and from other sources.*

(2) **The** *[S/serving school district may submit requests of payment for educational services to the Department of Elementary and Secondary Education, Division of [Special Education] Financial and Administrative Services. Requests for payment will be accepted [no later than October 1] in the following [the] school year during which billable services were delivered.*

(3) **The** *[S/serving school district shall use forms prescribed by the [Department of Elementary and Secondary Education] department when submitting requests for payment.*

(4) The *[Department of Elementary and Secondary Education] department* will determine excess cost payments based on expenditure data *[for the first year preceding the delivery of services] and revenue data for the year in which services were provided.*

**AUTHORITY:** *sections 161.092, and 167.126(4) and (5), RSMo [Supp. 1997] 2016. This rule previously filed as 5 CSR 70 742.165. Original rule filed June 21, 1996, effective Jan. 30, 1997. Amended: Filed Sept. 16, 1997, effective March 30, 1998. Moved to 5 CSR 20 300.130, effective Aug. 16, 2011. Moved to 5 CSR 30 660.095 and amended: Filed April 23, 2021.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Kari Monsees, Deputy Commissioner, Division of Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102 0480 or by email to DESE.AdminRules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**Division 20—Division of Learning Services**  
**Chapter 400—Office of Educator Quality**

### **PROPOSED AMENDMENT**

**5 CSR 20-400.220 Application for Substitute Certificate of License to Teach.** The State Board of Education is amending section (1).

**PURPOSE:** This proposed amendment adds language that allows department approved training as an additional route to gain a substitute certificate of license to teach.

(1) An applicant for a substitute Missouri certificate of license to teach who has successfully completed sixty (60) semester hours or more of college level credit from a regionally accredited academic degree granting institution recognized by the Department of Elementary and Secondary Education (department) or has a high school diploma, General Education Diploma (GED) or High School Equivalency Test (HiSET) and has successfully completed a minimum of twenty (20) clock hours of department-approved substitute teacher training that includes professionalism, honoring diversity, engaging students, foundational classroom management techniques, basic instructional strategies, supporting students with special needs, and working with at-risk youth may be granted a substitute Missouri certificate of license to teach pursuant to the rules promulgated by the State Board of Education (board).

**AUTHORITY:** sections 161.092, 168.011, 168.071, and 168.081, RSMo 2016, and section 168.021, RSMo Supp. [2019] 2020. This rule previously filed as 5 CSR 80 800.290. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Jan. 26, 2000. Original rule filed July 30, 1999, effective Feb. 29, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 23, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102 0480 or by email to [educaquality@dese.mo.gov](mailto:educaquality@dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of Financial and Administrative  
Services  
Chapter 640—School Buildings**

**PROPOSED AMENDMENT**

**5 CSR 30-640.200 Early Learning Facilities Funding Formula for Lease Agreements.** The State Board of Education is amending section (1).

**PURPOSE:** The purpose of this amendment is to clarify the qualifications for early childhood facility cost reimbursements.

(1) **The Department of Elementary and Secondary Education (department) will reimburse for facility lease agreements for early learning programs and will not reimburse for the purchase, construction, renovation, or lease purchase of such facilities.** The department uses the following formula to determine the maximum allowable cost per fiscal year for early learning programs facility lease agreements:

**AUTHORITY:** section [161.215, RSMo Supp. 2013, and sec-

tion 161.092, RSMo Supp. 2014] 161.092, RSMo 2016, and section 161.215, RSMo Supp. 2020. Original rule filed May 28, 2015, effective Jan. 30, 2016. Amended: Filed April 20, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Kari Monsees, Deputy Commissioner, Division of Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102 0480 or by email to [DESE.AdminRules@dese.mo.gov](mailto:DESE.AdminRules@dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of Financial and Administrative  
Services  
Chapter 660—School Finance  
PROPOSED AMENDMENT**

**5 CSR 30-660.080 Performance Districts.** The State Board of Education is amending subsections (1)(C), (1)(D), and adding subsection (1)(E).

**PURPOSE:** The purpose of this amendment is to establish a protocol to determine performance districts in years for which an annual performance report (APR) for school districts is not issued. The related calculation will establish a proxy for the APR, which can be used to identify performance districts for the purpose of recalculating the state adequacy target as required by statute.

(1) "Performance Districts" as defined pursuant to section 163.011, RSMo, shall be identified by the Department of Elementary and Secondary Education (department), and used in the foundation formula calculation for years subsequent to fiscal year 2016, using the following process:

(C) Percentages of the two (2) prior years for districts eligible for designation will be averaged and ranked in order beginning with the highest average; *[and]*

(D) Pursuant to section 163.011, RSMo, the number of designated Performance Districts will not exceed twenty five percent (25%) of Missouri schools in fiscal years subsequent to 2018/.; **and**

(E) **In any year in which the department does not generate an APR, the department will utilize the most recent data available for each performance standard in order to establish an equivalent percentage of points earned for determining Performance District designation.**

**AUTHORITY:** sections 161.092 and 163.011, RSMo [Supp. 2014] 2016. Original rule filed Dec. 10, 2014, effective July 30, 2015. Amended: Filed April 22, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Kari Monsees, Deputy Commissioner, Division of Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102 0480 or by email to [DESE.AdminRules@dese.mo.gov](mailto:DESE.AdminRules@dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of Financial and Administrative  
Services  
Chapter 680—Food and Nutrition Services**

**PROPOSED RULE**

**5 CSR 30-680.080 School Food Authority Appeal Procedures**

*PURPOSE: This rule establishes the appeal procedures when a school food authority requests a review of a denial of all or part of a claim for reimbursement, or for withholding payment arising from administrative review activity conducted by the Department of Elementary and Secondary Education (department) under 7 C.F.R. section 210.18.*

(1) The department, through an agreement with the Food and Nutrition Service, United States Department of Agriculture, administers the School Lunch Program and the Commodity School Program. Each Local Education Agency (LEA) has a School Food Authority (SFA) that requests reimbursement from the department for expenses related to the administration of the two programs mentioned above. The department makes the financial decisions regarding claims for reimbursement filed with it. If a SFA disagrees with the department's fiscal action determination, the SFA may file an appeal with the department.

(A) The SFA may file an appeal with the department because of a denial of all or part of a claim for reimbursement, reclaim, or withholding of payment resulting from an administrative review conducted by the department under 7 C.F.R. section 210.18.

(B) The department's action shall remain in effect during the appeal process.

**(2) Appeal Procedure.**

(A) To make an appeal, the SFA must state in writing whether it is requesting a written review or a hearing. Both reviews will be fair and impartial and will be before an independent official.

(B) The appeal request must identify the state action being appealed and be signed by the SFA's authorized office school administrator.

(C) All written appeal requests shall be sent to the following address:

ATTN: Governmental Affairs/Food Service Authority Appeal  
Department of Elementary and Secondary Education  
PO Box 480  
Jefferson City, MO 65102 0480

Or [counsel@dese.mo.gov](mailto:counsel@dese.mo.gov), with "Food Service Authority Appeal" in the subject line

(D) All written requests for review must be postmarked by the U.S. Postal Service (or equivalent private delivery service) or delivered to the department within fifteen (15) calendar days of the SFA's receipt of the state agency notice of the denial of all or part of the claim for reimbursement of withholding of payment. If the appeal is sent by email, the department must receive the email within fifteen (15) calendar days of the SFA's receipt of the state agency notice of the denial of all or part of the claim for reimbursement of the with-

holding of payment. If the fifteenth calendar day falls on a Saturday, Sunday, or federal holiday, requests will be timely if it is postmarked or delivered the next business day that is not a Saturday, Sunday, or federal holiday. The department will not consider untimely appeals.

(E) The department shall acknowledge the receipt of the request for appeal within 10 (ten) calendar days by contacting the SFA's authorized office school administrator via email.

(F) The review official shall conduct a written review or a hearing as specified in the request by the appellant SFA. Regardless of which review is conducted, the department shall provide the opportunity for the SFA to review any information obtained or created by the department upon which the notice of withholding was based. The SFA may make requests for the department's information to the review officer. However, audit investigation notes or other material that may reveal investigation techniques, material prepared for submission to the review officer in preparation for appeal, or confidential information need not be provided.

**(3) Written Review of the Record.**

(A) If the SFA requests a written review of the record, the SFA will have the right to submit written information to the review official.

(B) The department will also have the right to submit written information to the review official.

(C) The commissioner of education (commissioner) will designate a review official to conduct the written review. The review official shall be an independent and impartial officer.

(D) The review official shall make a recommended decision to the commissioner within sixty (60) days after the receipt of all documents from the SFA, unless good cause for delay is demonstrated. The recommended decision will be whether to uphold, reverse, or modify the department's action based on review of the documentation and information provided by the SFA and the department, and on program regulations.

(E) The commissioner will decide whether to approve or disapprove the review official's recommended decision. The commissioner's decision will be sent to the SFA by certified mail, return receipt requested, or equivalent service, or electronically by email, or facsimile. The decision will be sent to the department via email.

(F) The commissioner shall render a decision on or before one hundred twenty (120) days from the date of request for appeal.

(G) The final determination will take effect on the date of the commissioner's decision, which is the final administrative decision for purposes of review under section 536.150, RSMo.

**(4) Hearings.**

(A) If the SFA requests a hearing, the review official shall hold a hearing within forty five (45) days of the department's receipt of the appeal. Upon request from either party or in the event of scheduling conflicts, the department may hold the hearing at a later date.

(B) The review official shall provide the parties with at least ten (10) days advance written notice of the time, date, location, and case number of the hearing. The department will send the notice either by certified mail or its equivalent, or electronically by email, or facsimile.

(C) The commissioner will designate a review official to conduct hearings. The review official shall be an independent and impartial officer.

(D) Legal counsel may represent the SFA.

(E) Failure of the SFA or SFA's representative to appear at a scheduled hearing shall constitute a waiver of the right to a personal appearance before the review official.

(F) A representative of the department will attend the hearing to provide testimony and written information and to answer questions from the review official. The department representative may be represented by legal counsel at the hearing.

(G) The department will conduct the hearings as contested case hearing as pursuant to Chapter 536, RSMo.

(H) A court reporter will transcribe the hearings and will swear in witnesses before testifying.

(I) The review official shall make a recommended decision to the commissioner within sixty (60) days after receipt of the transcript of the hearing. The recommended decision will be whether to uphold, reverse, or modify the state agency's action based on review of the documentation and testimony presented at the hearing and on program regulations. The commissioner will decide whether to approve or disapprove the review official's recommended decision. The commissioner's decision will be sent to the SFA by certified mail, return receipt requested, or equivalent service, or electronically by email, or facsimile. The decision will be sent to the department via email.

(J) The commissioner must render a decision on or before one hundred twenty (120) days after receipt of the transcript of the hearing.

(K) The final determination shall take effect on the date of the commissioner's decision which is the final administrative decision for purposes of review under sections 536.100-536.140, RSMo.

*AUTHORITY: sections 161.092 and 178.430, RSMo 2016. Original rule filed April 23, 2021.*

*PUBLIC COST: This proposed rule will cost the department approximately one thousand two hundred dollars (\$1,200) for fiscal year 2022. The cost will be recurring based on the number of hearings requested.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attention: Dr. Kari Monsees, Deputy Commissioner, Division of Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102-0480 or by email to [DESE.AdminRules@dese.mo.gov](mailto:DESE.AdminRules@dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title: Title 5 – Department of Elementary and Secondary Education**  
**Division Title: 30 – Division of Financial and Administrative Services**  
**Chapter Title: Chapter 680 – Food and Nutrition Services**

<b>Rule Number and Name:</b>	5 CSR 30-680.080 School Food Authority Appeal Procedures
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<b>Department of Elementary and Secondary Education (department)</b>	<b>Costs to the department of \$1,200 for fiscal year 2022. The cost will be recurring based on the number of hearings requested.</b>

**III. WORKSHEET**

The average cost for a hearing before the Commissioner is \$566.55/hearing:

- Average of 3 hours of hearing officer time x average of \$58.08/hour
- Average of 7 hours administrative assistant time x \$31.08/hour
- Average of \$174.75 in court reporter costs/hearing.

**IV. ASSUMPTIONS**

Because this is a new procedure, it is unclear how many hearings will be requested; assuming that two per year are requested, the estimated fiscal impact would be \$1,200.



**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 5—Laboratory and Analytical Requirements**

**PROPOSED AMENDMENT**

**10 CSR 60-5.010 Acceptable and Alternate Procedures for Analysis.** The department is amending the federal citation in sections (1) (9) and updated the spelling of the word byproduct in section (5).

*PURPOSE: This amendment updates the incorporation by reference of the Code of Federal Regulations to the most recent edition.*

(1) Inorganic and Secondary Contaminants. Unless substitute methods are approved by the U.S. Environmental Protection Agency (EPA), analysis shall be conducted in accordance with the inorganic and secondary contaminant analytical methods in paragraphs 40 CFR 141.23(k)(l) and 40 CFR 143.4(b) of the July 1, [2011] 2020, *Code of Federal Regulations*, which are incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(2) Organic Contaminants. Unless substitute methods are approved by the EPA, analysis shall be conducted in accordance with the organic contaminant analytical methods in paragraph 40 CFR 141.24(e) of the July 1, [2011] 2020, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(3) Microbiological Contaminants and Turbidity. Unless substitute methods are approved by EPA, analysis shall be conducted in accordance with the microbiological contaminant and turbidity analytical methods in 40 CFR 141.21(f), 40 CFR 141.74(a)(1), 40 CFR 141.704(a), and 40 CFR 141.852 of the [Feb. 26, 2014] July 1, 2020, *Code of Federal Regulations*, which are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(4) Radiological Contaminants. Unless substitute methods are approved by the EPA, analysis shall be conducted in accordance with the radiological contaminant analytical methods in paragraphs 40 CFR 141.25(a) and (b) of the July 1, [2011] 2020, *Code of Federal Regulations*, which are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO

63197-9000.

(5) Disinfection By-/P/products, Residual Disinfectant Concentrations, and Disinfection By-/P/product Precursors. Unless substitute methods are approved by the EPA, analysis shall be conducted in accordance with the disinfection by-/product, residual disinfectant concentration, and disinfection by-/product precursor analytical methods in 40 CFR 141.74(a)(2) and 40 CFR 141.131 of the July 1, [2011] 2020, *Code of Federal Regulations*, which are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(6) Sample collection for the contaminants referenced in this rule must be conducted using the sample preservation, container, and maximum holding time procedures specified in the following procedures, which are incorporated by reference, or in accordance with procedures contained in the appropriate analytical method. The incorporation by reference does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(A) Inorganic contaminant sample collection procedures in 40 CFR 141.23(k)(2) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference.

(7) The department may reduce the total number of samples a system must analyze by allowing the use of compositing. Compositing shall be conducted according to the following procedures, which are incorporated by reference. The incorporation by reference does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(A) Sample compositing procedures for inorganic contaminants in 40 CFR 141.23(a)(4) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference.

(B) Sample compositing procedures for volatile organic contaminants in 40 CFR 141.24(f)(14) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference.

(C) Sample compositing procedures for synthetic organic contaminants in 40 CFR 141.24(h)(10) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference.

(D) Sample compositing procedures for radiological contaminants in 40 CFR 141.26(a)(4) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference.

(E) Sample compositing procedures for lead and copper in 40 CFR 141.88(a)(1)(iv) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference.

(8) Detection Limits.

(A) Detection limits for inorganic contaminants in 40 CFR 141.23(a)(4)(i) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations [is]*

as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(B) Practical Quantitation Levels (PQL) for lead and copper in 40 CFR 141.89(a)(1)(ii)(A) and (B) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(C) Detection limit for volatile organic contaminants in 40 CFR 141.24(f)(7) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(D) Detection limits for synthetic organic contaminants in 40 CFR 141.24(h)(13)(ii) and 141.24(h)(18) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(E) Detection limits for radiological contaminants in 40 CFR 141.25(c) of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(F) Detection limits for disinfection by-/products in 40 CFR 141.64 of the July 1, [2011] 2020, *Code of Federal Regulations* are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at <http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(9) Analytical Methods for Source Water Monitoring. Unless substitute methods are approved by the department, analysis shall be conducted in accordance with the analytical methods in 40 CFR 141.402(c) of the July 1, [2011] 2020, *Code of Federal Regulations*, which are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations [is]* as published by the U.S. Government Printing Office[, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to] available at

<http://bookstore.gpo.gov/> or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

**AUTHORITY:** sections 640.100[, RSMo Supp. 2014,] and [section] 640.125.1., RSMo [2000] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 29, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 10:00 a.m., July 7, 2021. Due to concerns regarding the novel coronavirus, or COVID 19, the public hearing will be held via Webex at the following URL: <https://stateofmo.webex.com/webappng/sites/steofmo/meeting/download/b8ecd8855d9f456cb0473edf5e58452a?siteurl=stateofmo&MTID=m2d6bfl6e815f66a023db3e04e82f991>. The telephone conference line is 1 650 479 3207, the meeting access number is 177 796 9007, and the password is SDWC. Persons that wish to give testimony at the hearing and to be sworn in by the court reporter over the phone must register with [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov) or by phone at 573 526 2957. Opportunity to be sworn in by the court reporter over the phone to give testimony at the hearing shall be afforded to any interested person. Interested persons may submit a statement in support of or in opposition to this proposed amendment until 5:00 p.m., July 15, 2021. Send online comments via the proposed rule web page at <https://apps5.mo.gov/proposed/rules/welcome.action#OPEN>, email comments to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov), or written comments to Public Drinking Water Branch Rule Coordinator, Missouri Department of Natural Resources' Water Protection Program, PO Box 176, Jefferson City, MO 65102 0176.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Safe Drinking Water Commission Chapter 5—Laboratory and Analytical Requirements

### PROPOSED AMENDMENT

**10 CSR 60-5.020 Laboratory Certification.** The department is amending section (1); subsections (2)(A), (3)(A) and (B), (4)(A) and (D), (5)(A) and (B), and (6)(A); adding new sections (8), (9), (10), (11), and (12); and renumbering as necessary.

**PURPOSE:** This amendment clarifies the application process for laboratories requiring certification from the department for the analysis of public drinking water samples, updates language on the source of performance evaluation samples, updates regulatory citations, and adds new sections for provisional certification, interim certification, denial, revocation, and reporting of significant changes.

(1) For the purpose of determining compliance with this chapter, analytical results will be acceptable only if the samples have been analyzed by a laboratory certified by the department.

(A) Any laboratory seeking certification from the department for chemical or bacteriological analyses shall

1. Submit a completed application, in a format provided by the department, with the applicable fee(s) pursuant to 10 CSR 60-16.020;

2. Successfully pass a certification audit conducted by the department or the Department of Health and Senior Services; and

3. Demonstrate proficiency pursuant to the requirements of this rule through the analysis of performance evaluation samples.

(B) Any laboratory seeking certification for chemical or bacteriological analyses by reciprocity shall

1. Submit a completed application, in a format provided by the department, with the applicable certification fee pursuant to 10 CSR 60-16.020. An audit fee is not required if the audit is not performed by the department or the Department of Health and Senior Services;

2. Submit a copy of the successful audit from the appropriate certifying authority granting the certification and a copy of the certificate with the valid expiration date; and

3. Demonstrate proficiency pursuant to the requirements of this rule through the analysis of performance evaluation samples.

(C) Certification will be issued for a period of three (3) years.

(2) To receive approval to conduct analyses for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium the laboratory must

(A) Analyze performance evaluation samples *[which include those substances provided by the Environmental Protection Agency (EPA) Environmental Monitoring and Support Laboratory or equivalent samples provided by the department;]* provided by a nationally accredited proficiency-testing provider at least once per year for each analyte and by each method used to analyze compliance samples for which the laboratory seeks certification; and

(B) Achieve quantitative results on the analyses that are within the following acceptance limits:

Contaminant	Acceptance Limit
Antimony	±30% at ≥0.006 mg/l
Asbestos	2 standard deviations based on study statistics
Barium	±15% at ≥0.15 mg/l
Beryllium	±15% at ≥0.001 mg/l
Cadmium	±20% at ≥0.002 mg/l
Chromium	±15% at ≥0.01 mg/l
Copper	±10% at ≥0.50 mg/l
Fluoride	±10% at ≥to 10 mg/l
Lead	±30% at ≥0.005 mg/l
Mercury	±30% at ≥0.0005 mg/l
Nickel	±15% at ≥0.01 mg/l
Nitrate	±10% at ≥0.4 mg/l
Nitrite	±15% at ≥0.4 mg/l
Selenium	±20% at ≥0.01 mg/l
Thallium	±30% at ≥0.002 mg/l

(3) To receive certification to conduct analyses for the contaminants in 10 CSR 60 4.100(2)(A)/2./1. /7./8. and (B)1. 13., the laboratory must

(A) Analyze performance evaluation samples *[which include these substances provided by EPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the department]* provided by a nationally accredited proficiency-testing provider at least once per year for each analyte and by each method used to analyze compliance samples for which the laboratory seeks certification;

(B) Achieve the quantitative acceptance limits in subsections (3)(C) and (D) of this rule for at least eighty percent (80%) of the regulated organic chemicals listed in 10 CSR 60 4.100(2)(A)/2./1. /7./8. and (B)1. 13.;

(4) To receive certification for vinyl chloride, the laboratory must

(A) Analyze performance evaluation samples provided by *[EPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the department]* a nationally accredited

proficiency-testing provider at least once per year for each analyte and by each method used to analyze compliance samples for which the laboratory seeks certification;

(D) Obtain certification for the contaminants listed in 10 CSR 60 4.100(2)(A)/2./1. /7./8. and (B)1. 13.

(5) To receive certification to conduct analyses for the contaminants in 10 CSR 60 4.040(1), the laboratory must

(A) Analyze performance evaluation samples *[which include those substances provided by EPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the department.]* provided by a nationally accredited proficiency-testing provider at least once per year for each analyte and by each method used to analyze compliance samples for which the laboratory seeks certification; and

(B) Achieve quantitative results on the analyses that are within the following acceptance limits:

Contaminant	Acceptance Limit
	(percent)
2,3,7,8 TCDD (Dioxin)	2 standard
2,4 D	±50
2,4,5 TP	±50
Alachlor	±45
<i>[Aldicarb]</i>	2 standard deviations
<i>Aldicarb sulfoxide</i>	2 standard deviations
<i>Aldicarb sulfone</i>	2 standard deviations/
Atrazine	±45
Benzo(a)pyrene	2 standard deviations
Carbofuran	±45
Chlordane	±45
Dalapon	2 standard deviations
Dibromochloropropane	±40
Di(2 ethylhexyl)adipate	2 standard deviations
Di(2 ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	±45
Ethylene dibromide	±40
Glyphosate	2 standard deviations
Heptachlor	±45
Heptachlor epoxide	±45
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	±45
Methoxychlor	±45
Oxamyl	2 standard deviations
Polychlorinated biphenyls (PCBs) (as decachloro biphenyl)	0 200
Picloram	2 standard deviations

Simazine	2 standard deviations
Toxaphene	±45
Pentachlorophenol	±50

(6) To receive approval to conduct analyses for copper and lead, the laboratory must

(A) Analyze performance evaluation samples *[which include those substances provided by EPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the department]* provided by a nationally accredited proficiency-testing provider at least once per year for each analyte and by each method used to analyze compliance samples for which the laboratory seeks certification;

#### (8) Provisional Certification.

(A) The department may, at its discretion, issue provisional certification to a laboratory that does not meet the criteria for full certification but is able to demonstrate the ability to consistently produce valid data within the acceptance limits specified in 10 CSR 60-5.

(B) A provisionally certified laboratory may analyze drinking water samples for compliance purposes, if the laboratory notifies its clients of its downgraded status in writing, on all reports.

(C) A provisionally certified laboratory may submit a written request for full certification, which the department will grant upon demonstration to the department's satisfaction that the deficiencies that resulted in the provisional certification have been corrected.

#### (9) Interim Certification.

(A) In the event the department or Department of Health and Senior Services cannot perform an onsite audit for any reason, the department may, at its discretion, issue interim certification until an onsite audit can be completed.

(B) Upon successful completion of the laboratory audit, the department will issue full certification to the laboratory.

#### (10) Denial or Revocation of Laboratory Certificate.

(A) The department may deny an application for certification, in part or in whole, if the applying laboratory is unqualified, cannot consistently produce valid data, has practiced fraud or deceit in applying for the certificate, or has willfully violated any provision of 10 CSR 60.

(B) The department may revoke the certificate(s) of a laboratory, in part or in whole, if the department determines the laboratory has practiced fraud or deceit in obtaining the certificate; exhibited gross negligence, malpractice, or incompetence; misled or lied to a government official regarding water sample analysis; participated in sample tampering or selective sampling; falsified sample results required by 10 CSR 60; or willfully violated 10 CSR 60.

(C) The department will issue a notice of denial or revocation in writing and delivered by hand or certified mail to the laboratory's last known address. The notice shall state the reason(s) for denial or revocation and the effective date of the denial or revocation. Any laboratory whose certification is denied or revoked may appeal to the Administrative Hearing Commission pursuant to section 621.250, RSMo.

(D) A laboratory whose certificate was revoked may reapply for full certification by submitting a written request, which the department will grant upon demonstration to the department's satisfaction that the deficiencies that resulted in the revocation have been corrected.

(E) The department will not grant certification by reciprocity during the time period a laboratory's primary certification is revoked.

(11) Any laboratory whose certification is downgraded, denied,

or revoked in whole or in part by the department may appeal to the Administrative Hearing Commission pursuant to section 621.250, RSMo.

(12) Notification of Major Changes. Certified laboratories shall notify the department in writing within thirty (30) days of major changes in personnel, equipment, or laboratory location. A major change in personnel occurs when the laboratory loses or replaces the laboratory supervisor, or when a trained and experienced analyst no longer is available to analyze a particular parameter for which certification has been granted.

[(8)](13) The department has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected and analyzed in accordance with the requirements of this rule.

[(9)](14) All lead levels measured between the Practical Quantification Level (PQL) and Method Detection Limit (MDL) must be either reported as measured or they can be reported as one half (1/2) the PQL (0.0025 mg/l). All levels below the lead MDL must be reported as zero (0).

[(10)](15) All copper levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one half (1/2) the PQL (0.015 mg/l). All levels below the copper MDL must be reported as zero (0).

[(11)](16) Operational monitoring measurements required by 10 CSR 60 4.080(3) shall be performed on site by persons acceptable to the department.

[(12)](17) The department will consider acceptance of analytical results from out of state laboratories upon written request.

*AUTHORITY: section 640.100, RSMo [Supp. 1999] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 29, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 10:00 a.m., July 7, 2021. Due to concerns regarding the novel coronavirus, or COVID 19, the public hearing will be held via Webex at the following URL: <https://stateofmo.webex.com/webappng/sites/stateofmo/meeting/download/b8ecd8855d9f456cb0473edf5e58452a?siteurl=stateofmo&MTID=m2d6bf1d6e815f66a023db3e04e82f991>. The telephone conference line is 1 650 479 3207, the meeting access number is 177 796 9007, and the password is SDWC. Persons that wish to give testimony at the hearing and to be sworn in by the court reporter over the phone must register with [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov) or by phone at 573 526 2957. Opportunity to be sworn in by the court reporter over the phone to give testimony at the hearing shall be afforded to any interested person. Interested persons may submit a statement in support of or in opposition to this proposed amendment until 5:00 p.m., July 15, 2021. Send online comments via the proposed rule web page at <https://apps5.mo.gov/proposed/rules/welcome.action#OPEN>, email comments to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov), or written comments to Public Drinking Water Branch Rule Coordinator, Missouri Department of Natural Resources' Water Protection Program, PO Box 176, Jefferson City, MO 65102 0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 14—Operator Certification**

**PROPOSED AMENDMENT**

**10 CSR 60-14.020 Certification of Public Water System Operators.** The department is amending subsections (2)(B), (3)(B) and (C), (4)(F), (5)(C), and (8)(E) and (G).

*PURPOSE: This amendment removes fee language from this rule and adds citations to new fee rule language in Chapter 16.*

(2) Application for Certification Examination.

(B) The application fee for certification **examination** as a water treatment facility or a water distribution system operator *[shall be forty-five dollars (\$45) and]* shall accompany the application. *[This fee includes the initial examination fee.]* **The application fee is set forth in 10 CSR 60-16.040.**

(3) Examination.

(B) A passing score of seventy percent (70%) is required *[in order]* to become certified.

(C) Any examinee who fails to receive a passing grade may not repeat that level examination for a period of not less than sixty (60) days. The applicant must submit a new application for each examination. *A fee of twenty dollars (\$20) shall accompany the application for each subsequent exam at that level]* **with the associated fee set forth in 10 CSR 60-16.040.**

(4) Certification Without Examination (Grandparenting).

(F) Grandparented operators must, within three (3) years of certification, meet all requirements for renewing the grandparented certificate. In order for a grandparented certificate to be renewed the following conditions must be met:

1. The water system owner must certify in writing to the department that the operator named on the certificate continues to be an operator in responsible charge for the public water system;

2. A completed renewal application and **the associated fee [of forty-five dollars (\$45)] set forth in 10 CSR 60-16.040** must be submitted for each certificate; and

3. The department approved renewal training must be completed prior to the expiration of the certificate.

(5) Reciprocity.

(C) *[Application for reciprocity shall be made]* **Within one hundred eighty (180) days after beginning employment with a public water system in Missouri, an operator shall apply for reciprocity on the form provided by the department and shall submit/ed with an]** **to the department the associated application fee [of sixty-five dollars (\$65) to the department within one hundred eighty (180) days after beginning employment with a public water system in Missouri] set forth in 10 CSR 60-16.040.**

(8) Certificate Renewal.

(E) *[An application for renewal]* **An operator shall [be made] apply for renewal** on the form provided by the department prior to the lapse of the operator's certificate. A completed renewal application and **the associated fee [of forty-five dollars (\$45)] set forth in 10 CSR 60-16.040** must be submitted for each certificate.

(G) A late fee *[of ten dollars (\$10) per month, up to a total of twenty dollars (\$20),]* shall be charged for any certificate renewed after the expiration date **as set forth in 10 CSR 60-16.040.**

*AUTHORITY: section 640.100, RSMo 2016. Original rule filed July 11, 1986, effective Jan. 1, 1987. For intervening history, please consult the Code of State Regulations. Amended: Filed April 29, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 10:00 a.m., July 7, 2021. Due to concerns regarding the novel coronavirus, or COVID 19, the public hearing will be held via Webex at the following URL: <https://stateofmo.webex.com/webappng/sites/stateofmo/meeting/download/b8ecd8855d9f456cb0473edf5e58452a?siteurl=stateofmo&MTID=m2d6bf1d6e815f66a023db3e04e82f991>. The telephone conference line is 1 650 479 3207, the meeting access number is 177 796 9007, and the password is SDWC. Persons that wish to give testimony at the hearing and to be sworn in by the court reporter over the phone must register with [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov) or by phone at 573 526 2957. Opportunity to be sworn in by the court reporter over the phone to give testimony at the hearing shall be afforded to any interested person. Interested persons may submit a statement in support of or in opposition to this proposed amendment until 5:00 p.m., July 15, 2021. Send online comments via the proposed rule web page at <https://apps5.mo.gov/proposed/rules/welcome.action#OPEN>, email comments to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov), or written comments to Public Drinking Water Branch Rule Coordinator, Missouri Department of Natural Resources' Water Protection Program, PO Box 176, Jefferson City, MO 65102 0176.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Driver License Bureau Rules**

**PROPOSED AMENDMENT**

**12 CSR 10-24.448 Documents Required for Issuance of a Driver License, Nondriver License, or Instruction Permit.** The Department of Revenue is amending section (1), adding a new section (3), and renumbering as necessary.

*PURPOSE: This amendment expands the Social Security document requirements to permit verbal presentation of Social Security Number, allows for a previously issued driver license to be used as proof of residency for a REAL ID, and authorizes an opt in process for longer retention of REAL ID source documents.*

(1) All applicants for a driver license, nondriver license, or instruction permit must provide one (1) or more documents, in English, that comply with each subsection below.

(B) Proof of Identity: Documents used for purposes of proving identity must contain the applicant's full legal name, date of birth, and match the person's current name unless a change of name is established by a marriage certificate, marriage license, amended birth certificate, divorce decree, or other court order. Only original documents or a photocopy, bearing an original certification by the issuing authority is acceptable.

1. In addition to the documents referenced in (1)(A)1.A. F. above, the following documents may be used to establish proof of identity:

A. Permanent Resident Card: a valid, unexpired Permanent Resident Card;

B. Valid Foreign Passport stamped approved or processed for an I 551;

C. Unexpired I 94 stamped "Processed for I 551";

D. I 766 and I 688B an unexpired Employment Authorization Document (EAD);

E. An unexpired foreign passport with a valid, unexpired U.S. Visa affixed accompanied by the approved I 94;

F. Real ID compliant driver license, nondriver license, or instruction permit.

2. For purposes of issuing a non REAL ID compliant duplicate driver license, nondriver license, or temporary permit document, in addition to the documents referenced in paragraph (1)(B)1., the following documents may be used to establish proof of identity:

A. Student Identification card;

B. U.S. Military Identification card;

C. Work Identification card/./; **and**

**D. Expired Missouri driver license, nondriver license, or instruction permit.**

(C) Proof of Social Security Number: *[Applicants who have previously verified their Social Security number, and the license record indicates such verification, may be required to show proof upon subsequent applications.] Applicants who have record of a previously verified Social Security number on file with the department may provide the Social Security number verbally at the time of application. However, the department may still require the applicant to provide a physical document to verify the Social Security number upon request.* The following documents may be used to establish proof of Social Security number:

1. Social Security card;

2. W 2 Form;

3. 1099 Form; **or**

4. Payroll stub which includes the applicant's name and /s/Social /s/Security Number.

Applicants that cannot obtain, or are not eligible for, a Social Security number due to their work authorization status must provide a letter from the Social Security Administration indicating a /s/Social /s/Security number will not be issued to them.

(D) Proof of Missouri Residency: "Residence address," "residence," or "resident address" is defined as the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere. A post office box is not allowed as a residential address.

1. Documents acceptable to verify Missouri residency must be the most recently issued credential. Examples include, but are not limited to, the following:

A. Utility Bill;

B. Paycheck or Government Check;

C. Mortgage, Housing, or Leasing Document;

D. Tax Records;

E. Voter Registration Card;

F. Property Tax Receipt;

G. Bank Statement;

H. School or College Records;

I. Vehicle Insurance Policy;

J. Medical or Hospital Bill or Record; *[and]*

K. Correspondence from Recognized Organizations/./; **and**

**L. Correspondence from the State of Missouri.**

2. For applicants under the age of twenty one (21):

A. A parent or legal guardian may provide one (1) of the documents listed above and a written statement that specifies the applicant resides in their household as proof of residential address for the applicant; **or**

B. Applicants under the age of twenty one (21) may also present any document below which clearly indicates their full name and residential address. Examples of other acceptable residential address verification documents for applicants under the age of twenty one (21) include recent/./

(I) Missouri School records;

(II) Mailed correspondence from a hospital or medical

practitioner, including physician billing statements and insurance statements; **or**

(III) Mailed correspondence issued by organizations such as/./

(a) Boy Scouts of America;

(b) Girl Scouts of America;

(c) Boys and Girls Club of America;

(d) Missouri Department of Conservation; **or**

(e) Mailed correspondence from other well established organizations or programs containing the name and address of the applicant.

Applicants must present one (1) document proving Missouri residency for purposes of issuing a non REAL ID compliant driver license, nondriver license, or instruction permit. Applicants must present two (2) documents proving Missouri residency, from two (2) different issuing sources, for purposes of issuing a REAL ID compliant driver license, nondriver license, or instruction permit. **Applicants may present their current, unexpired Missouri driver license, nondriver license, or instruction permit for purposes of meeting one (1) of the two (2) documents required for issuance of a REAL ID-compliant document.** Applicants requesting a separate mailing address for a REAL ID compliant or non REAL ID compliant document must present one (1) additional document as proof that the mailing address is valid.

**(3) Applicants may expressly request and authorize the department to retain their source documents for a period of time greater than ten (10) years.**

*[(3)](4)* For purposes of the fee waiver contained in section 302.185, RSMo, applicants may not be eligible for a duplicate license if they are applying within their renewal period, which is six (6) months (184 days) before or after the expiration date of a previously issued non REAL ID compliant driver license or nondriver license.

*[(4)](5)* Applicants issued a nondriver license for voting purposes at no cost pursuant to section 115.427, RSMo, will be required to pay any applicable fees to apply for and obtain a duplicate REAL ID compliant nondriver license.

*[(5)](6)* Applicants seventy (70) years of age or older desiring to obtain a REAL ID compliant nondriver license will be issued a six (6) year nondriver license in lieu of a nonexpiring nondriver license issued pursuant to section 302.181, RSMo, provided they meet all other requirements contained in Chapter 302, RSMo.

*AUTHORITY: sections 302.130, [302.171,] 302.177, [302.181, 302.720,] and 302.735, RSMo 2016, and sections 302.170, 302.171, 302.181, and 302.720, RSMo Supp. [2018] 2020. Original rule filed March 27, 1998, effective Sept. 30, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed April 29, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Administration Division, 301 W High Street, Room 218, Jefferson City, MO 65105 0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 15—Hospital Program**

**PROPOSED AMENDMENT**

**13 CSR 70-15.160 [Prospective] Outpatient Hospital Services Reimbursement Methodology.** The MO HealthNet Division is amending the rule title, adding a new section (5), and removing the last four pages, which is the Outpatient Surgical Procedures on a Fee Schedule.

*PURPOSE: This amendment changes the methodology for reimbursement of outpatient services provided by hospitals enrolled in the MO HealthNet program. Section (5) establishes an outpatient simplified fee schedule in place of the current prospective outpatient payment percentage.*

*PURPOSE: [This rule establishes a prospective outpatient reimbursement methodology for hospitals in place of the current retrospective reimbursement methodology. This rule establishes the methodology for setting a hospital's prospective outpatient payment percentage for hospital services effective July 1, 2002.] This rule establishes the payment methodology for outpatient hospital services.*

**(5) Outpatient Simplified Fee Schedule (OSFS) Payment Methodology.**

(A) Definitions. The following definitions will be used in administering section (5) of this rule:

1. Ambulatory Payment Classification (APC). Medicare's ambulatory payment classification assignment groups of Current Procedural Terminology (CPT) or Healthcare Common Procedures Coding System (HCPCS) codes. APCs classify and group clinically similar outpatient hospital services that can be expected to consume similar amounts of hospital resources. All services within an APC group have the same relative weight used to calculate the payment rates;

2. APC conversion factor. The unadjusted national conversion factor calculated by Medicare effective January 1 of each year, as published with the Medicare OPPS Final Rule, and used to convert the APC relative weights into a dollar payment. "The Medicare OPPS Final Rule" is incorporated by reference and made a part of this rule as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and available at <https://www.govinfo.gov/content/pkg/FR-2020-12-29/pdf/2020-26819.pdf>, December 29, 2020. This rule does not incorporate any subsequent amendments or additions;

3. APC relative weight. The national relative weights calculated by Medicare and listed in the January *Addendum B* of each year;

4. Current Procedural Terminology (CPT). A medical code set that is used to report medical, surgical, and diagnostic procedures and services to entities such as physicians, health insurance companies, and accreditation organizations;

5. Dental procedure codes. The procedure codes found in the Code on Dental Procedures and Nomenclature (CDT), a national uniform coding method for dental procedures maintained by the American Dental Association;

6. Federally-Deemed Critical Access. Hospitals that meet the federal definition found in section 1820(c)(2)(B) of the Social Security Act;

7. HCPCS. The national uniform coding method maintained by the Centers for Medicare and Medicaid Services (CMS) that incorporates the American Medical Association (AMA) Physicians CPT and the three HCPCS unique coding levels, I, II, and III;

8. Medicare Inpatient Prospective Payment System (IPPS) wage index. The wage area index values are calculated annually

by Medicare, published as part of the Medicare IPPS Final Rule;

9. Missouri conversion factor. The single, statewide conversion factor used by the MO HealthNet Division (MHD) to determine the APC-based fees, uses a formula based on Medicare OPPS. The formula consists of: sixty percent (60%) of the APC conversion factor, as defined in paragraph (5)(A)2. multiplied by the St. Louis, MO Medicare IPPS wage index value, plus the remaining forty percent (40%) of the APC conversion factor, with no wage index adjustment;

10. Nominal charge provider. A nominal charge provider is determined from the fourth prior year audited Medicaid cost report. The hospital must meet the following criteria:

A. A public non-state governmental acute care hospital with a low income utilization rate (LIUR) of at least fifty percent (50%) and a Medicaid inpatient utilization rate (MIUR) greater than one (1) standard deviation from the mean, and is licensed for fifty (50) inpatient beds or more and has an occupancy rate of at least forty percent (40%). The hospital must meet one (1) of the federally mandated Disproportionate Share qualifications; or

B. The hospital is a public hospital operated by the Department of Mental Health primarily for the care and treatment of mental disorders;

11. Outpatient Prospective Payment System (OPPS). Medicare's hospital outpatient prospective payment system mandated by the Balanced Budget Refinement Act of 1999 (BBRA) and the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Benefits Improvement and Protection Act (BIPA) of 2000; and

12. Payment level adjustment. The percentage applied to the Medicare fee to derive the OSFS fee.

(B) Effective for dates of service beginning July 1, 2021, outpatient hospital services shall be reimbursed on a predetermined fee-for-service basis using an OSFS based on the APC groups and fees under the Medicare Hospital OPPS. When service coverage and payment policy differences exist between Medicare OPPS and Medicaid, MHD policies and fee schedules are used. The fee schedule will be updated as follows:

1. MHD will review and adjust the OSFS annually on July 1 based on the payment method described in subsection (5)(D); and

2. The OSFS is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://dss.mo.gov/mhd/providers/files/outpatient-simplified-fee-schedule.pdf>, March 24, 2021. This rule does not incorporate any subsequent amendments or additions.

(C) Payment will be the lower of the provider's charge or the payment as calculated in subsection (5)(D).

(D) Fee schedule methodology. Fees for outpatient hospital services covered by the MO HealthNet program are determined by the HCPCS procedure code at the line level and the following hierarchy:

1. The APC relative weight or payment rate assigned to the procedure in the Medicare OPPS *Addendum B* is used to calculate the fee for the service. Fees derived from APC weights and payment rates are established using the Medicare OPPS *Addendum B* effective as of January 1 of each year as published by the CMS for Medicare OPPS. The Medicare OPPS *Addendum B* is incorporated by reference and made a part of this rule as published by the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at <https://www.cms.gov/license/ama?file=/files/zip/addendum-b-january-2021.zip>, December 29, 2020. This rule does not incorporate any subsequent amendments or additions.

A. The fee is calculated using the APC relative weight multiplied by the Missouri conversion factor. The resulting amount is then multiplied by the payment level adjustment of ninety percent (90%) to derive the OSFS fee.

(I) The APC relative weight is defined in paragraph



## (5)(A)3.

(II) The Missouri conversion factor is defined in paragraph (5)(A)9.

(III) The payment level adjustment is defined in paragraph (5)(A)12.

B. For those APCs with no assigned relative weight, ninety percent (90%) of the Medicare APC payment rate is used as the fee;

2. If there is no APC relative weight or APC payment rate established for a particular service in the Medicare OPPS Addendum B, then the MHD approved fee will be ninety percent (90%) of the rate listed on other Medicare fee schedules, effective as of January 1 of each year: *Clinical Laboratory Fee Schedule*; *Physician Fee Schedule*; and *Durable Medical Equipment Prosthetics/Orthotics and Supplies Fee Schedule*, applicable to the outpatient hospital service.

A. The Medicare *Clinical Laboratory Fee Schedule* is incorporated by reference and made a part of this rule as published by the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at <https://www.cms.gov/license/ama?file=/files/zip/21clabq1.zip>, January 5, 2021. This rule does not incorporate any subsequent amendments or additions.

B. The Medicare *Physician Fee Schedule* is incorporated by reference and made a part of this rule as published by the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at <https://www.cms.gov/medicare/medicare-fee-service-payment-physicianfeeschedpfs-carrier-specific-files/all-states-0> January 4, 2021. This rule does not incorporate any subsequent amendments or additions.

C. The Medicare *Durable Medical Equipment Prosthetics/Orthotics and Supplies Fee Schedule* is incorporated by reference and made a part of this rule as published by the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at <https://www.cms.gov/medicare/medicare-fee-service-payment-dmeposfeescheddmepos-fee-schedule/dme21>, December 2, 2020. This rule does not incorporate any subsequent amendments or additions;

3. Fees for dental procedure codes in the outpatient hospital setting are calculated based on thirty-eight and one half percent (38.5%) of the fiftieth percentile fee for Missouri reflected in the 2021 *National Dental Advisory Service* (NDAS). The 2021 NDAS is incorporated by reference and made a part of this rule as published by Wasserman Medical & Dental at its website at <https://wasserman-medical.com/product-category/dental/ndas/>, and available at the MO HealthNet Division, 615 Howerton Court, Jefferson, City MO 65102, April 20, 2021. This rule does not incorporate any subsequent amendments or additions;

4. If there is no APC relative weight, APC payment rate, other Medicare fee schedule rate, or NDAS rate established for a covered outpatient hospital service, then a MO HealthNet fee will be determined using the MHD *Dental, Medical, Other Medical, or Independent Lab Technical Component* fee schedules.

A. The MHD *Dental Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, April 12, 2021. This rule does not incorporate any subsequent amendments or additions.

B. The MHD *Medical Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, April 12, 2021. This rule does not incorporate any subsequent amendments or additions.

C. The MHD *Other Medical Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, April 12, 2021. This rule does not incorporate any subsequent amendments or additions.

D. The MHD *Independent Lab Technical Component Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, April 12, 2021. This rule does not incorporate any subsequent amendments or additions;

5. Federally-Deemed Critical Access hospitals will receive an additional forty percent (40%) of the rate as determined in paragraph (5)(B)2. for each billed procedure code; and

6. Nominal charge providers will receive an additional twenty-five percent (25%) of the rate as determined in paragraph (5)(B)2. for each billed procedure code.

(E) Packaged services. MHD adopts Medicare guidelines for procedure codes identified as "Items and Services Packaged into APC Rates" under Medicare OPPS Addendum D1. These procedures are designated as always packaged. Claim lines with packaged procedure codes will be considered paid but with a payment of zero. The Medicare OPPS Addendum D1 is incorporated by reference and made a part of this rule as published by the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at [https://www.cms.gov/medicare/medicare-fee-for-service-payment/hospitaloutpatientpps/downloads/cms1392fc\\_addendum\\_d1.pdf](https://www.cms.gov/medicare/medicare-fee-for-service-payment/hospitaloutpatientpps/downloads/cms1392fc_addendum_d1.pdf), December 29, 2020. This rule does not incorporate any subsequent amendments or additions.

(F) Inpatient only services. MHD adopts Medicare guidelines for procedure codes identified as "Inpatient Procedures" under Medicare OPPS Addendum D1. These procedures are designated as inpatient only (referred to as the inpatient only (IPO) list). Claim lines with inpatient only procedures will not be paid under the OSFS.

(G) Drugs. Effective for dates of service beginning April 1, 2019, outpatient drugs are reimbursed in accordance with the methodology described in 13 CSR 70-20.070.

(H) Payment for outpatient hospital services under this rule will be final, with no cost settlement.

*AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2018] 2020. Emergency rule filed June 20, 2002, effective July 1, 2002, expired Feb. 27, 2003. Original rule filed June 14, 2002, effective Jan. 30, 2003. For intervening history, please consult the Code of State Regulations. Amended: Filed April 21, 2021.*

*PUBLIC COST: This proposed amendment is estimated to initially save political subdivision or state agencies between twenty eight million, one hundred thousand dollars (\$28,100,000) and seventy million dollars (\$70,000,000) in SFY 2022. This proposed amendment is anticipated to initially cost in state public entities between four hundred ninety thousand dollars (\$490,000) and six million, four hundred thousand dollars (\$6,400,000) in SFY 2022.*

*PRIVATE COST: This proposed amendment is anticipated to initially cost in state private entities between twelve million, four hundred thousand dollars (\$12,400,000) and thirty five million, two hundred thousand dollars (\$35,200,000) in SFY 2022. This proposed amendment is anticipated to initially cost out of state entities between sixteen million, two hundred thousand dollars (\$16,200,000) and twenty eight million, four hundred thousand dollars (\$28,400,000) in SFY*



2022.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division Rulemaking, PO Box 1527, Jefferson City, MO 65102 1527, or by email to [Rules.Comment@dss.mo.gov](mailto:Rules.Comment@dss.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 13—Department of Social Services  
**Division Title:** Division 70—MO HealthNet Division  
**Chapter Title:** Chapter 15—Hospital Program

<b>Rule Number and Title:</b>	13 CSR 70-15.160 Outpatient Hospital Services Reimbursement Methodology
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Other Government (Public) & State Hospitals enrolled in MO HealthNet - 33	The estimated cost for SFY 2022 – between (\$490) thousand and \$6.4 million
Department of Social Services, MO HealthNet Division	SFY 2022 Impact: Total Savings between \$28.1 million and \$70 million; State Share between \$9.6 million and \$23.8 million

**III. WORKSHEET**

<b>Other Government (Public) &amp; State Hospitals Cost:</b>	
<b>Estimated Cost for SFY 2022:</b>	
Estimated Cost to State Hospitals	Between (\$7,427,555) and (\$803,818)
Estimated Cost to Other Government (Public) Hospitals	Between (\$6,937,096) and (\$7,239,159)
Total Estimated Cost	Between (\$490,459) and (\$6,435,340)
<b>Department of Social Services, MO HealthNet Division Savings:</b>	
<b>Estimated Savings for SFY 2022:</b>	
Estimated Savings	Between \$28,131,362 and \$70,058,604
Times SFY 2022 State Share Percentage	33.99%
Estimated State Share Savings	Between \$9,561,850 and \$23,812,920

**IV. ASSUMPTIONS**

This fiscal note reflects the annual estimated impact based on a hospital-by-hospital analysis of the change in reimbursement for hospital outpatient services. The impact represents an estimate of payment using an APC-based fee schedule as the basis compared to the current reimbursement methodology. This fiscal impact includes the impact to both in-state and out-of-state hospitals.

The initial simulation/savings analysis represents an estimate of payment using an APC-based fee schedule. This should not be construed as a forecast or projection of savings. A number of factors need to be considered when looking at the simulated payment results and making decisions in regard to payment levels for the first year of implementation. For example,

- **Crosswalks:** MO HealthNet crosswalks emergency room/clinic visits to state-specific procedure codes. This practice does not provide the detail needed to determine the level of complexity for a given encounter. The level of complexity drives the fee to a lower or higher payment level.
- **Reporting only surgical procedures:** MHD requires hospitals to report surgery procedure codes on their outpatient claims with a zero billed amount. These surgery procedure code lines are considered informational only and not for payment. Hospitals submit revenue codes for their facility and supply charges related to the surgery procedure code reported on the claim. Hospitals are paid for these facility and supply charges. The facility and supply revenue codes submitted on the claim are cross-walked to state-specific procedure codes. Therefore, in simulating payment, we were not able to identify the line-level charges for the surgery and tie them to the simulated payment. In addition, there is no way to validate how many surgeries were not billed as reporting-only lines.
- **90% of Medicare and packaging:** The simulation was set at 90% of the Medicare fees but does not include Medicare's bundling logic.
- **Coding contingency factor:** We expect that the transition from payment based on a percent of charges to a fee schedule will result in more detailed procedure and line-level claims data. The new payment method and billing requirements will be driven now based on the Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) detail. MHD will have a better idea of what outpatient hospital services are purchased.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13–Department of Social Services  
**Division Title:** Division 70–MO HealthNet Division  
**Chapter Title:** Chapter 15–Hospital Program

<b>Rule Number and Title:</b>	13 CSR 70-15.160 Outpatient Hospital Services Reimbursement Methodology
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
In-state hospitals – 79 Out-of-state hospitals – 160	Private and Out-of-State Hospitals enrolled in MO HealthNet	The estimated cost for SFY 2022 between \$28.6 million and \$63.6 million

**III. WORKSHEET**

<b><u>Estimated Cost for SFY 2022:</u></b>	
Estimated Cost to In-State Private Hospitals	Between \$12,421,038 and \$35,182,770
Estimated Cost to Out-of-State Hospitals	Between \$16,200,783 and \$28,440,494
Total Estimated Cost	Between \$28,621,822 and \$63,623,264

**IV. ASSUMPTIONS**

This fiscal note reflects the annual estimated impact based on a hospital-by-hospital analysis of the change in reimbursement for hospital outpatient services. The impact represents an estimate of payment using an APC-based fee schedule as the basis compared to the current reimbursement methodology. This fiscal impact includes the impact to both in-state and out-of-state hospitals.

The initial simulation/savings analysis represents an estimate of payment using an APC-based fee schedule. This should not be construed as a forecast or projection of savings. A number of factors need to be considered when looking at the simulated payment results and making decisions in regard to payment levels for the first year of implementation. For example,

- Crosswalks: MO HealthNet crosswalks emergency room/clinic visits to state-specific procedure codes. This practice does not provide the detail needed to determine the level of complexity for a given encounter. The level of complexity drives the fee to a lower or higher payment level.

- Reporting only surgical procedures: MHD requires hospitals to report surgery procedure codes on their outpatient claims with a zero billed amount. These surgery procedure code lines are considered informational only and not for payment. Hospitals submit revenue codes for their facility and supply charges related to the surgery procedure code reported on the claim. Hospitals are paid for these facility and supply charges. The facility and supply revenue codes submitted on the claim are cross-walked to state-specific procedure codes. Therefore, in simulating payment, we were not able to identify the line-level charges for the surgery and tie them to the simulated payment. In addition, there is no way to validate how many surgeries were not billed as reporting-only lines.
- 90% of Medicare and packaging: The simulation was set at 90% of the Medicare fees but does not include Medicare's bundling logic.
- Coding contingency factor: We expect that the transition from payment based on a percent of charges to a fee schedule will result in more detailed procedure and line-level claims data. The new payment method and billing requirements will be driven now based on the Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) detail. MHD will have a better idea of what outpatient hospital services are purchased.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—MO HealthNet Division**  
**Chapter 20—Pharmacy Program**

**PROPOSED AMENDMENT**

**13 CSR 70-20.070 Drug Reimbursement Methodology.** The Department of Social Services is removing current sections (3), (5), and (6), amending new section (3), adding a new section (4), and renumbering as necessary.

*PURPOSE:* The purpose of this amendment is to remove the outdated reimbursement information for covered drugs and completely remove the reimbursement information for 340B providers. The 340B reimbursement information has been moved concurrently with this amendment to proposed rule 13 CSR 70 20.075.

*[(3) Reimbursement for covered drugs dispensed between April 1, 2017, and December 15, 2018, will be determined by applying the following hierarchy method:*

- (A) Federal Upper Limit (FUL) price; if there is no FUL;*
- (B) Missouri Maximum Allowed Cost (MAC); if no FUL or MAC;*
- (C) Wholesale Acquisition Cost (WAC) minus three and one-tenth percent (3.1%); or*
- (D) The usual and customary (U&C) charge submitted by the provider if it is lower than the chosen price (FUL, MAC, or WAC).]*

*[(4)](3) Effective December 16, 2018, reimbursement for covered drugs will be determined by applying the following hierarchy method:*

- (A) National Average Drug Acquisition Cost (NADAC); if there is no NADAC;*
- (B) Missouri Maximum Allowed Cost (MAC); if no NADAC or MAC;*
- (C) Wholesale Acquisition Cost (WAC); or*
- (D) The usual and customary (U&C) charge submitted by the provider if it is lower than the chosen price (NADAC, MAC, or WAC). U&C is defined as the provider's charge to the general public that reflects all advertised savings, discounts, special promotions, or other programs including membership based discounts initiated to reduce prices for product costs available to the general public, a special population, or an inclusive category of customers.*

**(4) Reimbursement for covered drugs for 340B providers as defined in 42 USC 256b(a)(4) and 42 USC 1396r-8(a)(5)(B) who carve-in for Medicaid will be calculated according to 13 CSR 70-20.075.**

*[(5) Between April 1, 2017, and December 15, 2018, reimbursement for covered drugs for 340B providers as defined by the Public Health Service Veterans Health Care Act of 1992 who carve-in for Medicaid will be determined by applying the following method:*

- (A) Wholesale Acquisition Cost (WAC) minus forty-nine percent (49%); or*
- (B) The usual and customary (U&C) charge submitted by the provider if it is lower.*

*(6) Effective December 16, 2018, reimbursement for covered drugs for 340B providers as defined by the Public Health Service Veterans Health Care Act of 1992 who carve-in for Medicaid will be determined by applying the following method:*

- (A) Wholesale Acquisition Cost (WAC) minus twenty-five percent (25%); or*

*(B) The usual and customary (U&C) charge submitted by the provider if it is lower.]*

*[(7)](5) The professional dispensing fee will be calculated according to 13 CSR 70 20.060.*

*AUTHORITY:* sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2018] 2020. This rule was previously filed as 13 CSR 40 81.150. Original rule filed April 23, 1979, effective Aug. 11, 1979. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed April 26, 2021, effective July 1, 2021, expires Feb. 24, 2022. Amended: Filed April 26, 2021.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division Rulemaking, PO Box 1527, Jefferson City, MO 65102 1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—MO HealthNet Division**  
**Chapter 20—Pharmacy Program**

**PROPOSED RULE**

**13 CSR 70-20.075 340B Drug Pricing Program**

*PURPOSE:* This rule establishes the payment methodology for 340B covered entities as defined in section 1927(a)(5)(B) of the *Social Security Act* that choose to carve in Medicaid.

(1) 340B covered entities that choose to carve in Medicaid must provide the Health Resources and Services Administration (HRSA) with their National Provider Identification (NPI) and their MO HealthNet Division (MHD) provider number for each site that carves in for inclusion in the HRSA Medicaid Exclusion File.

(2) 340B covered entities are required to identify 340B purchased drugs at the claims level using the following codes:

- (A) Point of sale pharmacy claims: Submission Clarification Code (SCC) 20; and
- (B) Medical and outpatient claims: Modifier JG or TB.

(3) Failure to include the appropriate submission clarification code or modifier on a 340B purchased drug will result in the MHD collecting rebate on the claim and may subject the covered entity to audit penalties. The MHD will deny claims from providers who submit an SCC of 20 or 340B modifier but have not notified HRSA of carve in status.

(4) Effective July 1, 2021, reimbursement for 340B identified covered drugs for 340B providers as defined by 42 USC 256b(a)(4) and 42 USC 1396r 8(a)(5)(B) who carve in for Medicaid will be determined by applying the following method:

(A) 340B purchased drugs dispensed by pharmacy providers will be reimbursed at their actual acquisition cost, up to the 340B Maximum Allowable Cost (MAC) (calculated ceiling price) plus a

professional dispensing fee. Covered entities are required to bill no more than their actual acquisition cost plus the professional dispensing fee.

1. The 340B MAC (calculated ceiling price) is defined as the Average Manufacturer Price (AMP) minus Unit Rebate Agreement (URA); and

(B) Physician administered drugs purchased through the 340B program will be reimbursed the lesser of the Physician Administered 340B MAC or the actual acquisition cost submitted by the provider. A professional dispensing fee is not applied to physician administered drugs.

1. The Physician Administered 340B MAC is calculated by adding six percent (6%), up to six hundred dollars (\$600), to the calculated ceiling price.

(5) 340B contract pharmacies are not covered under this policy and must carve out Medicaid from their 340B operation unless MHD approves an exception.

*AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016. Emergency rule filed April 26, 2021, effective July 1, 2021, expires Feb. 24, 2022. Original rule filed April 26, 2021.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated one (1) time implementation cost of twenty five thousand dollars (\$25,000) and an ongoing cost of ninety thousand dollars (\$90,000) annually.*

*PRIVATE COST: This proposed rule will cost private entities an estimated thirty six million six hundred ninety three thousand one hundred sixty eight dollars (\$36,693,168) annually.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division Rulemaking, PO Box 1527, Jefferson City, MO 65102 1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 13—Department of Social Services  
**Division Title:** Division 70—MO HealthNet Division  
**Chapter Title:** Chapter 20—Pharmacy Programs

<b>Rule Number and Name:</b>	13 CSR 70-20.075 340B Drug Pricing Program
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Social Services- MO HealthNet	One-time implementation cost of \$25,000 Ongoing annual cost of \$90,000

**III. WORKSHEET**

MO HealthNet will utilize a contractor to establish the 340B MAC Rates. This contract will have a one-time implementation cost of approximately \$25,000 in addition to the ongoing quarterly file delivery cost of approximately \$90,000 annually.

**IV. ASSUMPTIONS**

The state assumes a SFY 2022 savings of \$36,693,168 (State \$ 12,842,609 and Federal \$23,850,559).



**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13—Department of Social Services  
**Division Title:** Division 70—MO HealthNet Division  
**Chapter Title:** Chapter 20—Pharmacy Programs

<b>Rule Number and Name:</b>	13 CSR 70-20.075 340B Drug Pricing Program
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
180	Enrolled MO HealthNet Providers enrolled in the 340B program	SFY 2022 \$36,693,168 (State \$12,842,609 and Federal \$23,850,559)

**III. WORKSHEET**

Beginning 7/1/2021, the new reimbursement methodology for 340B purchased medications will be the lesser of the 340B Maximum Allowed Cost (MAC) based on the calculated ceiling price for medications or the providers usual and customary charge. Pharmacy providers will also receive the standard dispensing fee. All other providers will receive the Physician-Administered 340B MAC which is calculated by adding 6%, up to \$600, to the calculated ceiling price. The current payment to 340B providers is Wholesale Acquisition Cost (WAC) minus 25%. For the timeframe of 10/1/19 – 9/30/2020, 340B providers were reimbursed a total of \$114,365,477. It is anticipated under the new methodology the estimated total reimbursement would be \$78,479,826 resulting in an annual public savings. These figures do not include the dispensing fee, which is covered under 13 CSR 70-20.060.

**IV. ASSUMPTIONS**

New reimbursement amounts were applied to claims processed from 10/1/2019 – 9/30/2020.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 55—Hearings Under Securities Act**

**PROPOSED AMENDMENT**

**15 CSR 30-55.060 Public Hearing.** The secretary is deleting one sentence.

*PURPOSE:* This amendment is removing a sentence regarding appearance of the parties, which is addressed in a new proposed rule.

All hearings shall be open to the public. *[All parties have a right to be present and to be represented by counsel, if they so desire.]* Notice of the hearing will be posted prominently in the Office of the Secretary of State, Securities Division, Missouri State Information Center, Room 229, 600 W. Main, Jefferson City, MO 65101.

*AUTHORITY:* section 409.6[ 605]00, RSMo 2016, and section 409.605, RSMo Supp. [2013] 2020. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 23, 2021.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment via mail with the Office of Secretary of State, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 55—Hearings Under Securities Act**

**PROPOSED RULE**

**15 CSR 30-55.065 Appearance Before the Commissioner**

*PURPOSE:* This rule provides for the appearance of parties in matters before the commissioner.

(1) Any party that files a request for hearing pursuant to 15 CSR 30 55.020(1) is required to appear in person at the hearing scheduled under 15 CSR 30 55.020(4). Failure to appear at the time and location designated in the hearing order provides grounds for the commissioner to sanction the non appearing party. The commissioner may utilize discretion in imposing such sanction, including, but not limited to, refusing to allow the party to support or oppose claims or defenses, striking pleadings, not allowing the introduction of evidence or the examination of witnesses, and finding the party in default.

(2) It is not sufficient for an individual to appear through counsel.

(3) Any entity that is a party must be represented by a Missouri licensed attorney.

(4) The Enforcement Section must be represented by a Missouri

licensed attorney who is a designee of the Commissioner.

(5) The commissioner may allow a party to appear via other means or to appear through an attorney. Any motion for such must be filed fifteen (15) days prior to the date of the hearing scheduled under 15 CSR 30 55.020(4).

*AUTHORITY:* section 409.600, RSMo 2016, and section 409.605, RSMo Supp. 2020. Original rule filed April 23, 2021.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule via mail with the Office of Secretary of State, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 40—State Auditor  
Chapter 3—Rules Applying to Political Subdivisions**

**PROPOSED AMENDMENT**

**15 CSR 40-3.125 Calculation and Revision of Property Tax Rates by School Districts.** The State Auditor's office is amending section (2) by replacing Summary Page, Form B, and Informational Data form and section (3) by replacing Summary Page, Form B, Informational Summary Page, and Informational Form B.

*PURPOSE:* This amendment updates the forms submitted by school districts to the Missouri State Auditor's office when setting their property tax rates under section 137.073, RSMo, by removing references to a calculation in section 137.073.5(2), RSMo, that was found to be unconstitutional by the Court of Appeals, Eastern District, in *Blankenship v. Franklin County*, Case Number ED108824.

(2) Single Tax Rate The following forms with instructions for single tax rate review have been adopted and approved for use by school districts (not wholly in St. Louis County):

- (A) Summary Page, included herein;
- (C) Form B, included herein;
- (E) Informational Data, included herein;

(3) Multi Tax Rate The following forms with instructions for multi tax rate review have been adopted and approved for use by school districts levying a separate rate on each subclass of property (wholly in St. Louis County):

- (A) Summary Page, included herein;
- (C) Form B, included herein;
- (E) Informational Summary Page, included herein;
- (G) Informational Form B, included herein;



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

Summary Page

(20XX)

For School Districts Levying a Single Rate on All Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political  
Subdivision Use  
in Calculating  
its Tax Rate

A. **Prior year tax rate ceiling** as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)

B. **Current year rate computed** pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 22)

C. **Amount of rate increase authorized by voters** if same purpose (Form B, Line 8)

OR

**Increase to the total operating levy up to \$2.75 per Amendment 2**, if applicable

Date the School Board decided to use Amendment 2 (if using)

D. **Rate to compare to maximum authorized levy to determine tax rate ceiling**  
(Line B if no election, otherwise Line C)

E. **Maximum authorized levy** greater of the 1984 rate or most recent voter approved rate

F. **Current year tax rate ceiling** maximum legal rate to comply with Missouri laws  
Political subdivisions tax rate (Lower of Line D or E)

G1. **Less required Proposition C (sales tax) reduction** taken from tax rate ceiling (Line F), if applicable  
Circle the type of waiver your district has Full Partial No  
Attach a copy of the DESE Prop C Reduction Worksheet if there is no waiver.

G2. **Less 20% required reduction 1st class charter county school district NOT submitting an estimated non-binding tax rate to the county(ies)** taken from tax rate ceiling (Line F)

H. **Less voluntary reduction by school district** taken from tax rate ceiling (Line F)  
WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.

I. **Plus allowable recoupment rate** added to the tax rate ceiling (Line F) If applicable, attach Form G or H.

J. **Tax rate to be levied** (Line F - Line G1 - Line G2 - Line H + Line I)

AA. **Rate to be levied for debt service**, if applicable (Form C, Line 12)

BB. **Additional special purpose rate authorized by voters** after the prior year tax rates were set  
(Form B, Line 8 if a different purpose)

Certification

I, the undersigned, \_\_\_\_\_ (Office) of \_\_\_\_\_ (School District) levying a rate in \_\_\_\_\_ (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief. **Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.**

(Date)	(Signature)	(Print Name)	(Telephone)

Proposed rate to be entered on tax books by the county clerk

based on the certification from the political subdivision: Lines J \_\_\_\_\_ AA \_\_\_\_\_ BB \_\_\_\_\_

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(Date)	(County Clerk's Signature)	(County)	(Telephone)

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED****XX/XX/20XX****Form B****(20XX)****For School Districts Levying a Single Rate on All Property**

Name of Political Subdivision \_\_\_\_\_

Political Subdivision Code \_\_\_\_\_

Purpose of Levy \_\_\_\_\_

**The final version of this form MUST be sent to the county clerk.**

Calculation of New Voter Approved Tax Rate or Tax Rate Increase \_\_\_\_\_

Since the prior year tax rate computation, some political subdivisions may have held elections where the voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

**1. Date of election** \_\_\_\_\_**2. Ballot language**

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

**3. Election results**

(Yes) \_\_\_\_\_

(No) \_\_\_\_\_

**4. Expiration date**

Enter the last year the levy will be in effect, if applicable.

**5. New Proposition C waiver**Indicate whether the district obtained a **new waiver** to eliminate part or all of the required Proposition C Reduction.

Indicate the election results on the Proposition C waiver

(Yes) \_\_\_\_\_

(No) \_\_\_\_\_

**6. Amount of increase approved by voters**

(An "increase/decrease of/by")

**OR**

(a) \_\_\_\_\_

**Stated Rate Approved by Voters**

(An "increase/decrease to")

(b) \_\_\_\_\_

**7. Prior year tax rate ceiling or voluntarily reduced rate to apply voter approved increase to**

(Summary Page, Line A if increase to an existing rate, otherwise 0)

**8. Voter approved increased tax rate to adjust**

(If an "increase of/by" ballot, Line 6a + Line 7, if an "increase to" ballot, Line 6b)



**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

XX/XX/20XX

**Informational Data**

(20XX)

**For School Districts Levying a Single Rate on All Property**

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

Based on Prior  
Year Tax Rate  
Ceiling as if No  
Voluntary  
Reductions  
were Taken

**Informational Summary Page**

A. **Prior year tax rate ceiling** (Prior year Informational Summary Page, Line F)

B. **Current year rate computed** (Informational Form A, Line 22 below)

C. **Amount of increase authorized by voters for current year** (Informational Form B, Line 8 below)

D. **Rate to compare to maximum authorized levy** (Line B if no election, otherwise Line C)

E. **Maximum authorized levy** Greater of the 1984 rate or most recent voter approved rate

F. **Tax rate ceiling if no voluntary reductions were taken in a prior even numbered year** (Lower of Line D or E)

**Informational Form A**

9. **Percentage increase in adjusted valuation** (Form A, Line 4 - Line 8 / Line 8 x 100)

10. **Increase in Consumer Price Index (CPI)** certified by the State Tax Commission

11. **Adjusted prior year assessed valuation** (Form A, Line 8)

12. **(2019) Tax rate ceiling from prior year** (Informational Summary Page, Line A from above)

13. **Maximum prior year adjusted revenue** from locally assessed property that existed in both years (Line 11 x Line 12 / 100)

14. **Maximum prior year adjusted revenue** from state assessed property before reductions, provided by DESE

15. **Total adjusted prior year revenue** (Line 13 + Line 14)

16. **Permitted reassessment revenue growth**

The percentage entered on Line 16 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%.  
A negative figure on Line 9 is treated as a 0 for Line 16 purposes. Do not enter less than 0, nor more than 5%.

17. **Additional reassessment revenue permitted** (Line 15 x Line 16)

18. **Total revenue permitted in current year** from property that existed in both years (Line 15 + Line 17)

19. **Estimated current year revenue from state assessed property** before reductions, estimated by school district

19a **New construction and improvements** (Line 19 - Line 14, if negative enter 0)

19b **Adjusted estimated current year revenue from state assessed property** before reductions (Line 19 - Line 19a)

20. **Revenue permitted from existing locally assessed property** (Line 18 - Line 19b)

21. **Adjusted current year assessed valuation** (Form A, Line 4)

22. **Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo**, if no voluntary reduction was taken (Line 20 / Line 21 x 100)

**Informational Form B**

7. **Prior year tax rate ceiling to apply voter approved increase to**  
(Informational Summary Page, Line A if increase to an existing rate, otherwise 0)

8. **Voter approved increased tax rate to adjust**

(If an "increase of/by" ballot, Form B, Line 6a + Line 7, if an "increase to" ballot, Form B, Line 6b)



## PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

## Summary Page

(20XX)

## For School Districts Calculating a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

**The final version of this form MUST be sent to the county clerk.**

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Summary Page, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	Real Estate			Personal	Prior Method
	Residential	Agriculture	Commercial	Property	Single Rate
A. <b>Prior year tax rate ceiling</b> as defined in Chapter 137, RSMo, revised if prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)					
B. <b>Current year rate computed</b> pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073 RSMo, if no voter approved increase (Form A, Line 41 & Line 27 prior method)					
C. <b>Amount of rate increase authorized by voters</b> if same purpose (Form B, Line 9 & Line 12 prior method) <b>OR</b> <b>Increase of the total operating levy up to \$2.75 per Amendment 2</b> , if applicable Date the School Board decided to use Amendment 2: _____					
D. <b>Rate to compare to maximum authorized levy to determine tax rate ceiling</b> (Line B if no election, otherwise Line C)					
E. <b>Maximum authorized levy</b> greater of the 1984 rate or most recent voter approved rate					
F. <b>Current year tax rate ceiling</b> maximum legal rate to comply with Missouri laws					
G. 1. <b>Less required Proposition C (sales tax) reduction</b> taken from tax rate ceiling (Line F), if applicable. Circle the type of waiver your district has. Full Partial No Attach a copy of the DESE Prop C Reduction Worksheet if there is no waiver.					
G. 2. <b>Less 20% required reduction 1st class charter county school district NOT submitting an estimated non-binding tax rate to the county(ies)</b> taken from tax rate ceiling (Line F)					
H. <b>Less voluntary reduction by school district</b> taken from tax rate ceiling (Line F) WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year					
I. <b>Plus allowable recoupment rate</b> added to tax rate ceiling (Line F) If applicable attach Form G or H					
J. <b>Tax rate to be levied</b> (Line F - Line G1 - Line G2 - Line H + Line I)					
AA. <b>Rate to be levied for debt service</b> , if applicable (Form C, Line 12)					
BB. <b>Additional special purposed rate authorized by voters</b> after the prior year tax rates were set (Form B, Line 9 & Line 12 prior method if a different purpose)					

## CERTIFICATION

I, the undersigned, \_\_\_\_\_ (Office) of \_\_\_\_\_ (Political Subdivision)  
levying a rate in \_\_\_\_\_ (County(ies)) do hereby certify that the data set forth above and on the

accompanying forms is true and accurate to the best of my knowledge and belief.

**Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.**

\_\_\_\_\_  
(Date) (Signature) (Print Name) (Telephone)

**Proposed rate to be entered on tax books by county clerk based on the certification from the political subdivision:**

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section.

Lines: **J** \_\_\_\_\_  
**AA** \_\_\_\_\_  
**BB** \_\_\_\_\_

\_\_\_\_\_  
(Date) (County Clerk's Signature) (County) (Telephone)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX  
(20XX)

Form B

For School Districts Calculating a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

1. **Date of election** \_\_\_\_\_

2. **Ballot language**  
Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. **Election results** \_\_\_\_\_  
(Yes) (No)

4. **Expiration date**  
Enter the last year the levy will be in effect, if applicable. \_\_\_\_\_

5. **New Proposition C waiver**  
Indicate whether the district obtained a new waiver to eliminate part or all of required Proposition C reduction. \_\_\_\_\_  
Attach a sample ballot or state the proposition posed exactly as it appeared on the ballot.

Also, indicate the election results on the Proposition C waiver. \_\_\_\_\_  
(Yes) (No)

Real Estate				
Residential	Agricultural	Commercial	Personal Property	Total

6. **Amount of increase approved by voters**  
(An "increase/decrease of/by") **OR** a. \_\_\_\_\_

**Stated rate approved by voters**  
(An "increase/decrease to") b. \_\_\_\_\_

7. **Prior year tax rate ceiling or voluntarily reduced rate to apply voter approved increase to**  
(Summary Page, Line A if increase of/by/to an existing rate, otherwise 0) \_\_\_\_\_

8. **Voter approved increased rate**  
(If Line 6a > 0, then Line 6a + Line 7, otherwise, Line 6b) \_\_\_\_\_

9. **Voter approved increased rate rounded** (If Line 8 < 1, then round to a 3-digit rate, otherwise round to a 4-digit rate) \_\_\_\_\_

**Prior Method Single Rate Calculation for Voter Approved Increase**

10. **Total revenue allowed** (If no increase of/by/to, then Form A, Line 20, otherwise Form B Line 9 x Line 11 / 100) \_\_\_\_\_

11. **Adjusted current year assessed valuation**  
(Form A, Line 5) \_\_\_\_\_

12. **Prior method single increased rate**  
(Line 10 total / Line 11 total x 100) \_\_\_\_\_



**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

**XX/XX/20XX**

**Informational Summary Page**

**(20XX)**

**For School Districts Calculating a Separate Rate on Each Subclass of Property**

\_\_\_\_\_  
Name of Political Subdivision

\_\_\_\_\_  
Political Subdivision Code

\_\_\_\_\_  
Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review

	Real Estate			Personal Property	Prior Method Single Rate
	Residential	Agriculture	Commercial		
A. <b>Prior year tax rate ceiling</b> as defined in Chapter 137, RSMo, revised if prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Informational Summary Page, Line F)	_____	_____	_____	_____	_____
B. <b>Current year rate computed</b> pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Informational Form A, Line 37 & Line 23 prior method)	_____	_____	_____	_____	_____
C. <b>Amount of rate increase authorized by voters for current year</b> if same purpose (Informational Form B, Line 9 & Line 12 prior method)	_____	_____	_____	_____	_____
D. <b>Rate to compare to maximum authorized levy to determine tax rate ceiling</b> (Line B if no election, otherwise Line C)	_____	_____	_____	_____	_____
E. <b>Maximum authorized levy</b> the most recent voter approved rate	_____	_____	_____	_____	_____
F. <b>Current year tax rate ceiling</b> maximum legal rate to comply with Missouri laws based on prior year tax rate ceiling (Lower of Line D or Line E)	_____	_____	_____	_____	_____





**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

XX/XX/20XX  
(20XX)

**Informational Form B**

**For School Districts Calculating a Separate Rate on Each Subclass of Property**

\_\_\_\_\_  
Name of Political Subdivision

\_\_\_\_\_  
Political Subdivision Code

\_\_\_\_\_  
Purpose of Levy

**The final version of this form MUST be sent to the county clerk.**

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

1. **Date of election** \_\_\_\_\_

2. **Ballot language**

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. **Election results**

\_\_\_\_\_  
(Yes)

\_\_\_\_\_  
(No)

4. **Expiration date**

Enter the last year the levy will be in effect, if applicable.

5. **New Proposition C waiver**

Indicate whether the district obtained a **new** waiver to eliminate part or all of required Proposition C reduction.

Attach a sample ballot or state the proposition posed exactly as it appeared on the ballot.

Also, indicate the election results on the Proposition C waiver.

\_\_\_\_\_  
(Yes)

\_\_\_\_\_  
(No)

**Real Estate**

\_\_\_\_\_  
Residential

\_\_\_\_\_  
Agricultural

\_\_\_\_\_  
Commercial

\_\_\_\_\_  
Personal Property

\_\_\_\_\_  
Total

6. **Amount of increase approved by voters**

(An "increase/decrease of/by") **OR**

a. \_\_\_\_\_

**Stated rate approved by voters**

(An "increase/decrease to")

b. \_\_\_\_\_

7. **Prior year tax rate ceiling or voluntarily reduced rate to apply voter approved increase to**

(Informational Summary Page, Line A if increase

of/by/to an existing rate, otherwise 0)

8. **Voter approved increased rate**

(If Line 6a > 0, then Line 6a + Line 7,  
otherwise, Line 6b)

9. **Voter approved increased rate rounded** (If Line 8 < 1, then round to a 3-digit rate,  
otherwise round to a 4-digit rate)

**Prior Method Single Rate Calculation for Voter Approved Increase**

10. **Total revenue allowed** (If no increase of/by/to, then Informational Form A, Line 20, otherwise  
Informational Form B Line 9 x Line 11 / 100)

11. **Adjusted current year assessed valuation**

(Informational Form A, Line 5)

12. **Prior method single increased rate**

(Line 10 total / Line 11 total x 100)

*AUTHORITY: sections 29.100 and 137.073.6, RSMo 2016. Original rule filed March 24, 2016, effective Nov. 30, 2016. Amended: Filed Jan. 31, 2018, effective July 30, 2018. Amended: Filed Jan. 28, 2019, effective July 30, 2019. Emergency amendment filed April 28, 2021, effective May 13, 2021, expires Dec. 30, 2021. Amended: Filed April 28, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Auditor's Office, Attention: Paul Harper, PO Box 869, Jefferson City, MO 65101 or email to rules@auditor.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## **Title 15—ELECTED OFFICIALS**

### **Division 40—State Auditor**

#### **Chapter 3—Rules Applying to Political Subdivisions**

#### **PROPOSED AMENDMENT**

**15 CSR 40-3.135 Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts.** The State Auditor's office is amending section (2) by replacing Summary Page, Form B, and Informational Data form and section (3) by replacing Summary Page, Form B, Informational Summary Page, and Informational Form B.

*PURPOSE: This amendment updates the forms and calculations submitted by political subdivisions other than school districts to the Missouri State Auditor's office when setting their property tax rates under section 137.073, RSMo, by removing references to a calculation in section 137.073.5(2), RSMo, that was found to be unconstitutional by the Court of Appeals, Eastern District, in *Blankenship v. Franklin County*, Case Number ED108824.*

(2) Single Tax Rate The following forms with instructions for single tax rate review have been adopted and approved for use by political subdivisions:

- (A) Summary Page, included herein;
- (C) Form B, included herein;
- (E) Informational Data, included herein;

(3) Multi Tax Rate The following forms with instructions for multi tax rate review are available from the Missouri State Auditor's Office and have been adopted and approved for use by political subdivisions:

- (A) Summary Page, included herein;
- (C) Form B, included herein;
- (E) Informational Summary Page, included herein;
- (G) Informational Form B, included herein;



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

Summary Page

(20XX)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political  
Subdivision Use  
in Calculating  
its Tax Rate

- A. **Prior year tax rate ceiling** as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)
- B. **Current year rate computed** pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 18)
- C. **Amount of rate increase authorized by voters for current year** if same purpose (Form B, Line 7)
- D. **Rate to compare to maximum authorized levy to determine tax rate ceiling** (Line B if no election, otherwise Line C)
- E. **Maximum authorized levy** the most recent voter approved rate
- F. **Current year tax rate ceiling** maximum legal rate to comply with Missouri laws Political subdivisions tax rate (Lower of Line D or E)
- G1. **Less required sales tax reduction** taken from tax rate ceiling (Line F), if applicable
- G2. **Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies)** taken from tax rate ceiling (Line F)
- H. **Less voluntary reduction by political subdivision** taken from the tax rate ceiling (Line F)  
WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.
- I. **Plus allowable recoupment rate** added to tax rate ceiling (Line F) If applicable, attach Form G or H.
- J. **Tax rate to be levied** (Line F - Line G1 - Line G2 - Line H + Line I)
- AA. **Rate to be levied for debt service**, if applicable (Form C, Line 10)
- BB. **Additional special purpose rate authorized by voters** after the prior year tax rates were set (Form B, Line 7 if a different purpose)

Certification

I, the undersigned, \_\_\_\_\_ (Office) of \_\_\_\_\_ (Political Subdivision) levying a rate in \_\_\_\_\_ (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

_____ (Date)	_____ (Signature)	_____ (Print Name)	_____ (Telephone)
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Proposed rate to be entered on tax books by county clerk

based on certification from the political subdivision: Lines

J \_\_\_\_\_ AA \_\_\_\_\_ BB \_\_\_\_\_

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

_____ (Date)	_____ (County Clerk's Signature)	_____ (County)	_____ (Telephone)
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**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

XX/XX/20XX

**Form B**

(20XX)

**For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

Name of Political Subdivision \_\_\_\_\_

Political Subdivision Code \_\_\_\_\_

Purpose of Levy \_\_\_\_\_

**The final version of this form MUST be sent to the county clerk.**

Calculation of New Voter Approved Tax Rate or Tax Rate Increase \_\_\_\_\_

Since the prior year tax rate computation, some political subdivisions may have held elections where the voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

**1. Date of election** \_\_\_\_\_**2. Ballot language**

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

**3. Election results**\_\_\_\_\_  
(Yes)\_\_\_\_\_  
(No)**4. Expiration date**

Enter the last year the levy will be in effect, if applicable. \_\_\_\_\_

**5. Amount of increase approved by voters**

(An "increase/decrease of/by") \_\_\_\_\_

**OR**

(a) \_\_\_\_\_

**Stated rate approved by voters**

(An "increase/decrease to") \_\_\_\_\_

(b) \_\_\_\_\_

**6. Prior year tax rate ceiling or voluntarily reduced rate to apply voter approved increase to**

(Summary Page, Line A if increase to an existing rate, otherwise 0) \_\_\_\_\_

**7. Voter approved increased tax rate to adjust**

(If an "increase of/by" ballot, Line 5a + Line 6, if an "increase to" ballot, Line 5b) \_\_\_\_\_



**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

xx/xx/20xx

**Informational Data**

(20xx)

**For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Based on Prior  
Year Tax Rate  
Ceiling as if No  
Voluntary  
Reductions  
were Taken

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review

**Informational Summary Page**

A. **Prior year tax rate ceiling** (Prior year Informational Summary Page, Line F)

B. **Current year rate computed** (Informational Form A, Line 18 below)

C. **Amount of increase authorized by voters for current year** (Informational Form B, Line 7 below)

D. **Rate to compare to maximum authorized levy**  
(Line B if no election, otherwise Line C)

E. **Maximum authorized levy** most recent voter approved rate

F. **Tax rate ceiling if no voluntary reductions were taken in a prior even numbered year**  
(Lower of Line D or E)

**Informational Form A**

9. **Percentage increase in adjusted valuation** (Form A, Line 4 - Line 8 / Line 8 x 100)

10. **Increase in Consumer Price Index (CPI)** certified by the State Tax Commission

11. **Adjusted prior year assessed valuation** (Form A, Line 8)

12. **(2019) Tax rate ceiling from prior year** (Informational Summary Page, Line A from above)

13. **Maximum prior year adjusted revenue** from property that existed in both years (Line 11 x Line 12 / 100)

14. **Permitted reassessment revenue growth**

The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a 0 for Line 14 purposes. Do not enter less than 0, nor more than 5%.

15. **Additional reassessment revenue permitted** (Line 13 x Line 14)

16. **Total revenue permitted in current year** from property that existed in both years (Line 13 + Line 15)

17. **Adjusted current year assessed valuation** (Form A, Line 4)

18. **Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo**, if no voluntary reduction was taken (Line 16 / Line 17 x 100)

**Informational Form B**

6. **Prior year tax rate ceiling to apply voter approved increase to**  
(Informational Summary Page, Line A if increase to an existing rate, otherwise 0)

7. **Voter approved increased tax rate to adjust**

(If an "increase of/by" ballot, Form B, Line 5a + Line 6, if an "increase to" ballot, Form B, Line 5b)

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED****XX/XX/20XX****Summary Page****(20XX)****For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property**

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

**The final version of this form MUST be sent to the county clerk.**

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Summary Page, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	Real Estate			Personal	Prior Method
	Residential	Agriculture	Commercial	Property	Single Rate
A. <b>Prior year tax rate ceiling</b> as defined in Chapter 137, RSMo, revised if prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)					
B. <b>Current year rate computed</b> pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 37 & Line 23 prior method)					
C. <b>Amount of rate increase authorized by voters for current year</b> if same purpose (Form B, Line 8 & Line 11 prior method)					
D. <b>Rate to compare to maximum authorized levy to determine tax rate ceiling</b> (Line B if no election, otherwise Line C)					
E. <b>Maximum authorized levy</b> the most recent voter approved rate					
F. <b>Current year tax rate ceiling</b> maximum legal rate to comply with Missouri laws Political subdivision's tax rate (Lower of Line D or Line E)					
G. 1. <b>Less required sales tax reduction</b> taken from tax rate ceiling (Line F), if applicable					
G. 2. <b>Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies)</b> taken from tax rate ceiling (Line F)					
H. <b>Less voluntary reduction by political subdivision taken from tax rate ceiling (Line F)</b> WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year					
I. <b>Plus allowable recoupment rate</b> added to tax rate ceiling (Line F) If applicable, attach Form G or H					
J. <b>Tax rate to be levied</b> (Line F - Line G1 - Line G2 - Line H + Line I)					
AA. <b>Rate to be levied for debt service</b> , if applicable (Form C, Line 10)					
BB. <b>Additional special purposed rate authorized by voters</b> after the prior year tax rates were set (Form B, Line 8 & Line 11 prior method if a different purpose)					

**Certification**

I, the undersigned, \_\_\_\_\_ (Office) of \_\_\_\_\_ (Political Subdivision) levying a rate in \_\_\_\_\_ (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

**Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.**

(Date) \_\_\_\_\_ (Signature) \_\_\_\_\_ (Print Name) \_\_\_\_\_ (Telephone) \_\_\_\_\_

**Proposed rate to be entered on tax books by the county clerk based on the certification from the political subdivision:**

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section.

Lines: **J** \_\_\_\_\_  
**AA** \_\_\_\_\_  
**BB** \_\_\_\_\_

(Date) \_\_\_\_\_ (County Clerk's Signature) \_\_\_\_\_ (County) \_\_\_\_\_ (Telephone) \_\_\_\_\_



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

xx/xx/20xx

Form B

(20XX)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

1. Date of election

2. Ballot language

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. Election results

(Yes)

(No)

4. Expiration date

Enter the last year the levy will be in effect, if applicable.

Real Estate

Residential

Agricultural

Commercial

Personal Property

Total

5. Amount of increase approved by voters

(An "increase/decrease of/by") OR

a.

Stated rate approved by voters

(An "increase/decrease to")

b.

6. Prior year tax rate ceiling or voluntarily reduced rate to apply voter approved increase to

(Summary Page, Line A if increase of/by/to an existing rate, otherwise 0)

7. Voter approved increased rate

(If Line 5a > 0, then Line 5a + Line 6, otherwise, Line 5b)

8. Voter approved increased rate rounded (If Line 7 < 1, then round to a 3-digit rate, otherwise round to a 4-digit rate)

Prior Method Single Rate Calculation for Voter Approved Increase

9. Total revenue allowed (If no increase of/by/to, then Form A, Line 18, otherwise Form B Line 8 x Line 10 / 100)

10. Adjusted current year assessed valuation

(Form A, Line 5)

11. Prior method single increased rate

(Line 9 total / Line 10 total x 100)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

XX/XX/20XX

Informational Summary Page

(20XX)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review

	Real Estate			Personal Property	Prior Method Single Rate
	Residential	Agriculture	Commercial		
A. <b>Prior year tax rate ceiling</b> as defined in Chapter 137, RSMo, revised if prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Informational Summary Page, Line F)					
B. <b>Current year rate computed</b> pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Informational Form A, Line 37 & Line 23 prior method)					
C. <b>Amount of rate increase authorized by voters for current year</b> if same purpose (Informational Form B, Line 8 & Line 11 prior method)					
D. <b>Rate to compare to maximum authorized levy to determine tax rate ceiling</b> (Line B if no election, otherwise Line C)					
E. <b>Maximum authorized levy</b> the most recent voter approved rate					
F. <b>Current year tax rate ceiling</b> maximum legal rate to comply with Missouri laws based on prior year tax rate ceiling (Lower of Line D or Line E)					





**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

XX/XX/20XX

**Informational Form B**

(20XX)

**For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property**

\_\_\_\_\_  
Name of Political Subdivision

\_\_\_\_\_  
Political Subdivision Code

\_\_\_\_\_  
Purpose of Levy

**The final version of this form MUST be sent to the county clerk.**

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase to an existing tax or approved a new tax. Form B is designed to document the election.

**1. Date of election**

**2. Ballot language**

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

**3. Election results**

\_\_\_\_\_  
(Yes)

\_\_\_\_\_  
(No)

**4. Expiration date**

Enter the last year the levy will be in effect, if applicable.

**Real Estate**

\_\_\_\_\_  
Residential

\_\_\_\_\_  
Agricultural

\_\_\_\_\_  
Commercial

\_\_\_\_\_  
Personal Property

\_\_\_\_\_  
Total

**5. Amount of increase approved by voters**

(An "increase/decrease of/by") **OR**

a.

**Stated rate approved by voters**

(An "increase/decrease to")

b.

**6. Prior year tax rate ceiling to apply voter approved increase to**

(Informational Summary Page, Line A if increase of/by/to an existing rate, otherwise 0)

**7. Voter approved increased rate**

(If Line 5a > 0, then Line 5a + Line 6b, otherwise, Line 5b)

**8. Voter approved increased rate rounded** (If Line 7 < 1, then round to a 3-digit rate, otherwise round to a 4-digit rate)

**Prior Method Single Rate Calculation for Voter Approved Increase**

**9. Total revenue allowed** (If no increase of/by/to, then Informational Form A, Line 18, otherwise Informational Form B Line 8 x Line 10 / 100)

**10. Adjusted current year assessed valuation**

(Informational Form A, Line 5)

**11. Prior method single increased rate**

(Line 9 total / Line 10 total x 100)

**AUTHORITY:** sections 29.100 and 137.073.6, RSMo 2016. Original rule filed March 24, 2016, effective Nov. 30, 2016. Amended: Filed Jan. 31, 2018, effective July 30, 2018. Amended: Filed Jan. 28, 2019, effective July 30, 2019. Emergency amendment filed April 28, 2021, effective May 13, 2021, expires Dec. 30, 2021. Amended: Filed April 28, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Auditor's Office, Attention: Paul Harper, PO Box 869, Jefferson City, MO 65101 or email to [rules@auditor.mo.gov](mailto:rules@auditor.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2063—Behavior Analyst Advisory Board**  
**Chapter 6—Standards of Practice**

**PROPOSED AMENDMENT**

**20 CSR 2063-6.005 Ethical Rules of Conduct.** The board is amending section (1)(E).

**PURPOSE:** The board is removing references to the American Psychological Association (APA) and the Association of State and Provincial Psychology Boards, and referencing the certifying body's professional and ethical compliance code for behavior analysts and assistant behavior analysts.

**(1) General Principles.**

(E) Aids to Interpretation. *[The Ethical Principles of Psychologists, Code of Conduct, Standards of Providers of Psychological Services and Specialty Guidelines for the Delivery of Psychological Services, (publication date August, 1990) promulgated by the American Psychological Association and the Code of Conduct (publication date August, 1990) promulgated by the Association of State and Provincial Psychology Boards,] The Behavior Analyst Certification Board's Professional and Ethical Compliance Code for Behavior Analysts* shall be used as an aid in resolving ambiguities which may arise in the interpretation of the ethical rules of conduct, except that these ethical rules of conduct shall prevail whenever any conflict exists between these rules and any professional association standard. *[The Ethical Principles of Psychologists and Code of Conduct, Standards of Providers of Psychological Services and Specialty Guidelines for the Delivery of Psychological Services can be obtained from the American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242, or by calling (800) 374-2721. The Code of Conduct can be obtained by contacting the Association of State and Provincial Psychology Boards, PO Box 241245, Montgomery, AL 36124-1245 or by calling (334) 832-4580.]*

**AUTHORITY:** section 337.310.2., RSMo [Supp. 2013] 2016. Original rule filed Sept. 5, 2013, effective April 30, 2014. Amended: Filed April 19, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Behavior Analyst Advisory Board, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573 526 0661, or via email at [scop@pr.mo.gov](mailto:scop@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2232—Missouri State Committee of Interpreters**  
**Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2232-1.020 Policy for Release of Public Records.** The committee is deleting sections (4) and (5) and renumbering as necessary.

**PURPOSE:** This amendment removes language regarding fees.

*[(4) The division or committee may charge a reasonable fee, pursuant to rules promulgated by the committee, for the cost for researching, inspecting, and copying the records. Charges and payments of the fees shall be based upon the cost for researching and copying records and shall be according to subsections 20 CSR 2232-1.040(1)(E) and (G).]*

*[(5) All fees collected shall be remitted to the Director of Revenue for deposit to the credit of the State Committee of Interpreters Fund.]*

*[(6)](4) The custodian shall maintain a file of copies of all written requests for access to records and responses to the requests. That file shall be maintained as a public record of the committee for inspection by any member of the general public during regular business hours.*

**AUTHORITY:** section 209.328, RSMo [2000] 2016. This rule originally filed as 4 CSR 232 1.020. Original rule filed Feb. 18, 1999, effective July 30, 1999. Moved to 20 CSR 2232 1.020, effective Aug. 28, 2006. Amended: Filed May 27, 2008, effective Nov. 30, 2008. Amended: Filed April 21, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax 573 526 0661, or via email at [interpreters@pr.mo.gov](mailto:interpreters@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under sections 209.292 and 209.295, RSMo 2016, the commission amends a rule as follows:

**5 CSR 100-200.150 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2021 (46 MoReg 437 439). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 12—Liquor Control**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2016, the commission amends a rule as follows:

**11 CSR 45-12.090 Rules of Liquor Control is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2021 (46 MoReg 50 51). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on February 9, 2021, and the public comment period ended February 14, 2021. Mary Winter attended the public hearing and provided one (1) verbal comment on behalf of the Missouri Gaming Association. No written comments were received.

COMMENT: Mary Winter spoke on behalf of the Missouri Gaming Association to express that MGA would like to go on record in support of the proposed change to remove subsection (12)(A) in accordance with the recent federal court ruling.

RESPONSE: The commission appreciates the support for this proposed amendment. No changes have been made to the proposed amendment as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 16—Peace Officer Standards and Training  
Commission Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 590.190, RSMo 2016, the director amends a rule as follows:

**11 CSR 75-16.010 Peace Officer Standards and Training  
Commission Fund is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 16, 2021 (46 MoReg 321). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 104—Sales/Use Tax—Registration**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 32.065, RSMo 2016, the director adopts a rule as follows:

**12 CSR 10-104.050 Sales and Use Tax Return Electronic Filing  
Requirement and Waiver is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2021 (46 MoReg 260). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Family Support Division  
Chapter 91—Rehabilitation Services for the Blind (RSB)**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, Family Support Division, under sections 207.022, 209.010, and 660.017, RSMo 2016, the division amends a rule as follows:

**13 CSR 40-91.020 Vocational Rehabilitation for the Blind  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2021 (46 MoReg 445 464). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 20—Pharmacy Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, MO HealthNet Division, under section 208.152, RSMo Supp. 2020, and sections 208.153, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

**13 CSR 70-20.045 Thirty One Day Supply Maximum Restriction  
on Pharmacy Services Reimbursed by the MO HealthNet Division  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 16, 2021 (46 MoReg 329). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 20—Pharmacy Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, MO HealthNet Division, under section 208.152, RSMo Supp. 2020, and sections 208.153, 208.201, and 660.017, RSMo 2016, the division adopts a rule as follows:

**13 CSR 70-20.047 Ninety Day Supply Requirement for Select  
Medications is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 16, 2021 (46 MoReg 329 331). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 20—Pharmacy Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

**13 CSR 70-20.060 Professional Dispensing Fee is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 16, 2021 (46 MoReg 332 333). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 20—Pharmacy Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

**13 CSR 70-20.250 Prior Authorization of New Drug Entities or  
New Drug Dosage Form is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2021 (46 MoReg 464 465). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Professional Landscape Architects  
Chapter 8—Land Surveying**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

**20 CSR 2030-8.020 Professional Land Surveyor Professional  
Development Units is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 16, 2021 (46 MoReg 358). No changes have been made in the text of the

proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE**

**Division 2150—State Board of Registration for  
the Healing Arts  
Chapter 5—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri State Board of Registration for the Healing Arts under section 334.125, RSMo 2016, the board amends a rule as follows:

20 CSR 2150 5.025 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2021 (46 MoReg 262). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Pursuant to sections 334.125 and 338.010, RSMo, the Missouri State Board of Registration for the Healing Arts and the Missouri Board of Pharmacy jointly promulgated the rule regulating the administration of vaccines per protocol; specifically, rule 20 CSR 2150 5.025 for the Missouri State Board of Registration for the Healing Arts, and rule 20 CSR 2220 6.050 for the Missouri Board of Pharmacy. Both boards proposed amendments and published the same for comments on or about February 1, 2021. Subsequently, four (4) comments were received on the proposed amendments from CVS Health and the Chief Inspector of the Board of Pharmacy, Tom Glenski. The Board of Pharmacy prepared a summary of comments, responses and proposed further amendments in response to the comments for the Missouri State Board of Registration for the Healing Arts to review during the open session of its March 28, 2021 meeting. Following that review, the Missouri State Board of Registration for the Healing Arts has decided to adopt amendments proposed by the Board of Pharmacy.

COMMENT #1: CVS Health supported expansion of pharmacist technician activities. However, CVS Health recommended adding a “grandfathering clause” that would allow pharmacy technicians who have administered immunizations during the COVID 19 pandemic to continue immunizing under the proposed amendment without being required to have a pharmacy technician certification.

RESPONSE: The Board of Pharmacy believes both pharmacy technicians’ work experience and pharmacy technicians’ certification are necessary to protect the public and to ensure pharmacy technicians are properly trained in vaccine administration. The Missouri State Board of Registration for the Healing Arts agrees with the Board of Pharmacy regarding jointly promulgated rule 20 CSR 2150 5.025. No changes have been made in response to the comment.

COMMENT #2: Tom Glenski, the Chief Inspector of the Board of Pharmacy, recommended further amending section (1) of this rule so it is consistent with proposed changes made to section (1) of jointly promulgated rule 20 CSR 2220 6.050. Specifically, Mr. Glenski recommended amending section (1) to provide that vaccines may be administered at any Missouri licensed pharmacy “as allowed” in the governing protocol.

RESPONSE AND EXPLANATION OF CHANGE: The Board of Healing Arts agrees that the proposed change the Board of Pharmacy made to jointly promulgated rule 20 CSR 2220 6.050 should also be made to 20 CSR 2150 5.025. The rule has been amended as requested.

COMMENT #3: Tom Glenski also recommended amending section (3) of this rule so as to remove the requirement that pharmacists complete a vaccine administration program that includes training/instruction in current CDC vaccine guidelines and recommendations, basic immunology, and vaccine protection. Mr. Glenski noted these training elements are not required by the federal government for pharmacists administering vaccines pursuant to the emergency COVID 19 Declaration issued by the U.S. Department of Health and Human Services under the federal Public Readiness and Emergency Preparedness Act (PREP Act).

RESPONSE: The Board of Pharmacy believes the proposed rule 20 CSR 2220 6.050 would ensure pharmacists are appropriately trained to administer all vaccines authorized by Chapter 338, RSMo. Significantly, education providers have discretion to determine the scope and level of training needed. The Missouri State Board of Registration for the Healing Arts agrees with the Board of Pharmacy regarding jointly promulgated rule 20 CSR 2150 5.025. Accordingly, no changes have been made in response to the comment.

COMMENT #4: Tom Glenski also recommended further amending subsection (1)(E) of this rule so it is consistent with proposed changes the Board of Pharmacy made to jointly promulgated rule 20 CSR 2220 6.050. Mr. Glenski noted revised 20 CSR 2220 6.040 will allow a pharmacist to delegate medication administration to a pharmacy technician, if the pharmacy technician has one (1) year of work experience in Missouri or another U.S. state or territory. Mr. Glenski suggested the Board of Pharmacy amend 20 CSR 2220 6.050 to match the allowance in 20 CSR 2220 6.040.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri State Board of Registration for the Healing Arts agrees with the comment and has amended the rule 20 CSR 2150 5.025 accordingly so it is consistent with the changes made by the Board of Pharmacy to jointly promulgated 20 CSR 2220 6.050.

**20 CSR 2150-5.025 Administration of Vaccines Per Protocol**

(1) A pharmacist may administer vaccines authorized by Chapter 338, RSMo, pursuant to a written protocol with a Missouri licensed physician who is actively engaged in the practice of medicine. Unless otherwise restricted by the governing protocol, vaccines may be administered at any Missouri licensed pharmacy or at any non pharmacy location as allowed in the governing protocol.

(A) Vaccines must be administered in accordance with current treatment guidelines established by the Centers for Disease Control (CDC) and the manufacturer’s guidelines, provided CDC guidelines shall control in the event of a conflict. Vaccines may not be administered to persons under seven (7) years of age unless otherwise authorized by law.

(E) For purposes of this rule, a “qualified pharmacy technician” is defined as a currently registered Missouri pharmacy technician who

1. Holds an active pharmacy technician certification issued by a certification entity accredited by the National Commission for Certifying Agencies;

2. Has an initial and, if applicable, annual documented assessment of competency in vaccine administration; and

3. Has assisted in the practice of pharmacy as a registered/licensed pharmacy technician in the state of Missouri or another U.S. state or territory for a minimum of one (1) year.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE**

**Division 2220—State Board of Pharmacy  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under section

338.140, RSMo Supp. 2020, and section 338.280, RSMo 2016, the board adopts a rule as follows:

20 CSR 2220 2.425 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 16, 2021 (46 MoReg 358 359). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received a total of seven (7) comments on the proposed rule submitted by Matthew Fessler, Alliance for Natural Health, BJC HealthCare, and Board of Pharmacy staff.

**COMMENT #1:** Fessler objects to additional regulations on pharmacy compounding, and states “that if Missouri goes along with the FDA’s plan to limit pharmacies from being able to ship out more than five percent (5%) of their compounding prescriptions out of state, then my pharmacy will face certain financial hardship, most likely ending in closure.”

**RESPONSE:** The proposed rule facilitates the board entering into the Food & Drug Administration (FDA) memorandum of understanding (MOU) concerning compounded medication. Pharmacies in states that enter the MOU will not be limited to distributing compounded drug products out of state that do not exceed five percent (5%) of their total prescription orders dispensed or distributed. Accordingly, no changes have been made in response to the comment.

**COMMENT #2:** Alliance for Natural Health’s comment does not comment directly on the proposed rule, but urges the board to express concerns to the FDA about the MOU which the proposed rule facilitates. However, they urge the board to sign the MOU if the FDA does not make changes to the memorandum of understanding.

**RESPONSE:** The board, through the National Association of Boards of Pharmacy, has been involved in expressing concerns throughout the FDA’s process. As expressed by the Alliance for Natural Health, the board believes entering the MOU better serves Missouri compounding, than not entering the MOU. The proposed rule facilitates the board entering into the FDA MOU. Accordingly, no changes have been made in response to the comment.

**COMMENT #3:** BJC HealthCare commented that the rule should explicitly exclude products compounded for veterinary use as well as compounded biologics, as they are not within the scope of the FDA MOU.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and modifies the proposed rule accordingly.

**COMMENT #4:** BJC HealthCare recommends the rule be limited to class D and class H pharmacy activities.

**RESPONSE:** Class D and H do not cover the full scope of pharmacies that dispense compounded human drug preparations/products from which data is needed to be captured. Further, the rule only applies to licensed pharmacies, which are within the board’s jurisdiction. Accordingly, no changes have been made in response to the comment.

**COMMENT #5:** BJC HealthCare recommends the board provide clear distinctions regarding subsections (1)(B) and (1)(C) of the proposed rule. BJC HealthCare recommends that the language in subsection (1)(B) should be modified by dropping the term “dispensed” and instead refer to drugs “distributed interstate.” Further, BJC HealthCare states subsection (1)(B) appears to use the term “dispensed” to mean drugs used by the patient and drugs sent out to pharmacies outside of Missouri.

**RESPONSE AND EXPLANATION OF CHANGE:** The language under section (1) provides that the rule governs compounded prod-

ucts dispensed pursuant to prescriptions or medication orders. Subsection (1)(B) governs dispensing from the facility other than on site dispensing, and is meant to include both intrastate and interstate. However, the board agrees some clarification would be helpful and changes have been made to the rule accordingly to clarify that subsection (1)(B) relates to dispensing other than on site.

**COMMENT #6:** BJC HealthCare recommends the rule includes instructions about how to comply with the rule; specifically, in relation to alternative reporting to the National Association of Boards of Pharmacy (NABP) Information Sharing Network.

**RESPONSE:** The board will otherwise provide information and/or assistance regarding how to contact NABP and find information about the Information Sharing Network.

**COMMENT #7:** Board of Pharmacy staff asked the board to correct a typographical omission in subsection (1)(C) to add the word “by” for sentence clarity.

**RESPONSE AND EXPLANATION OF CHANGE:** The rule has been amended as requested.

## 20 CSR 2220-2.425 Required Pharmacy Reporting

(1) Pharmacies located in Missouri that have distributed or dispensed compounded human drug preparations/products pursuant to prescriptions or medication orders in the previous calendar year, shall annually report the following information on a form provided by the board:

(B) The number of prescriptions or medication orders for compounded human drug preparations/products that the pharmacy dispensed (or caused to be dispensed) from the facility in which the drug preparations/products were compounded during the previous calendar year (e.g., not picked up on site by the patient or the patient’s designee);

(C) The number of prescription or medication orders for compounded human drug preparations/products dispensed on site at the pharmacy during the previous calendar year (e.g., picked up by the patient or the patient’s designee);

(4) The term “prescription or medication orders for compounded human drug preparations/products” as used above, does not include veterinary drug products, and biological products subject to licensure under section 351 of the Public Health Service Act (42 U.S.C. 262).

(5) Notwithstanding the above, a pharmacy which participates in and reports all information required by this rule to the National Association of Boards of Pharmacy (NABP) Information Sharing Network shall not be required to also report to the board. Pharmacies reporting to NABP’s Sharing Network shall notify the board no later than January 31 each calendar year that information required by this rule has been reported to NABP. A copy of information submitted to NABP pursuant to this rule shall be provided to the board or the board’s authorized designee within five (5) business days of a request from the board or authorized board designee.

## Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

### Division 2220—State Board of Pharmacy Chapter 6—Pharmaceutical Care Standards

## ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under sections 338.010, 338.140, and 338.220, RSMo Supp. 2020, the board amends a rule as follows:

20 CSR 2220 6.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2021 (46 MoReg 262-263). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received five (5) comments on the proposed amendment from CVS Health, Board of Pharmacy Chief Inspector Tom Glenski, and staff.

**COMMENT #1:** CVS Health supported the board's expansion of pharmacist technician activities. However, CVS Health recommended the board add a "grandfathering clause" that would allow pharmacy technicians who have administered immunizations during the COVID 19 pandemic to continue immunizing under the proposed amendment without being required to have a pharmacy technician certification.

**RESPONSE:** The board believes both pharmacy technician work experience and pharmacy technician certification are necessary to protect the public and to ensure pharmacy technicians are properly trained in vaccine administration. No changes have been made in response to the comment.

**COMMENT #2:** Tom Glenski, Board Chief Inspector, recommended the board amend subsection (1)(E) of this rule to be consistent with proposed changes to paragraph (4)(A)10. Specifically, Mr. Glenski recommended amending section (1) to provide that vaccines may be administered at any Missouri licensed pharmacy "as allowed" in the governing protocol.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and the rule has been amended as requested. The Board of Healing Arts agrees to make the proposed change to jointly promulgated rule 20 CSR 2150 5.025.

**COMMENT #3:** Tom Glenski recommended the board amend section (1) to remove the requirement that pharmacy technicians complete a vaccine administration program that includes training/instruction in current CDC vaccine guidelines and recommendations, basic immunology, and vaccine protection. Mr. Glenski noted these training elements are not required by the federal government for pharmacy technicians administering vaccines pursuant to the emergency COVID 19 Declaration issued by the U.S. Department of Health and Human Services under the federal Public Readiness and Emergency Preparedness Act (PREP Act).

**RESPONSE:** The board believes the proposed amendment would ensure pharmacy technicians are appropriately trained to administer all vaccines authorized by Chapter 338, RSMo. Significantly, education providers have discretion to determine the scope and level of training needed. Accordingly, no changes have been made in response to the comment.

**COMMENT #4:** Tom Glenski recommended the board amend subsection (1)(E) of this rule to be consistent with proposed changes to rule 20 CSR 2220 6.040 which has also been filed for public comment. Mr. Glenski noted revised 20 CSR 2220 6.040 will allow a pharmacist to delegate medication administration to a pharmacy technician, if the pharmacy technician has one (1) year of work experience in Missouri or another U.S. state or territory. Mr. Glenski suggested the board amend 20 CSR 2220 6.050 to match the allowance in 20 CSR 2220 6.040.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees with the comment and has amended the rule accordingly.

**COMMENT #5:** Staff members suggested the board amend subsection (1)(A) to require that vaccines must be administered in accordance with "current" treatment guidelines established by the Centers for Disease Control (CDC) and the manufacturer's guidelines.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the rule to include the recommendation.

#### **20 CSR 2220-6.050 Administration of Vaccines Per Protocol**

(1) A pharmacist may administer vaccines authorized by Chapter 338, RSMo, pursuant to a written protocol with a Missouri licensed physician who is actively engaged in the practice of medicine. Unless otherwise restricted by the governing protocol, vaccines may be administered at any Missouri licensed pharmacy or at any non pharmacy location as allowed in the governing protocol.

(A) Vaccines must be administered in accordance with current treatment guidelines established by the Centers for Disease Control (CDC) and the manufacturer's guidelines, provided CDC guidelines shall control in the event of a conflict. Vaccines may not be administered to persons under seven (7) years of age unless otherwise authorized by law.

(E) For purposes of this rule, a "qualified pharmacy technician" is defined as a currently registered Missouri pharmacy technician who

1. Holds an active pharmacy technician certification issued by a certification entity accredited by the National Commission for Certifying Agencies;

2. Has an initial and, if applicable, annual documented assessment of competency in vaccine administration; and

3. Has assisted in the practice of pharmacy as a registered/licensed pharmacy technician in the state of Missouri or another U.S. state or territory for a minimum of one (1) year.

### **Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**

#### **Division 2234—Board of Private Investigator and Private Fire Investigator Examiners**

#### **Chapter 6—Continuing Education Requirements—Private Investigators and Agency Investigator Employees**

### **ORDER OF RULEMAKING**

By the authority vested in the Board of Private Investigator and Private Fire Investigator Examiners under section 324.1138, RSMo 2016, the board amends a rule as follows:

#### **20 CSR 2234-6.010 Continuing Education is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 16, 2021 (46 MoReg 360). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

### **Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**

#### **Division 2263—State Committee for Social Workers Chapter 2—Licensure Requirements**

### **ORDER OF RULEMAKING**

By the authority vested in the State Committee for Social Workers under section 337.627, RSMo Supp. 2020, the committee amends a rule as follows:

#### **20 CSR 2263-2.082 Continuing Education is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2021 (46 MoReg 466). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 6—DEPARTMENT OF HIGHER EDUCATION  
AND WORKFORCE DEVELOPMENT  
Division 10—Commissioner of Higher Education  
and Workforce Development  
Chapter 2—Student Financial Assistance Programs**

**IN ADDITION**

**NOTICE OF SUSPENSION OF RULE**

**6 CSR 10-2.190(3)(A)7. and (3)(A)8.A. A+ Scholarship Program**

*ACTION TAKEN:* This NOTICE OF SUSPENSION OF RULE 6 CSR 10 2.190(3)(A)7. and (3)(A)8.A.

Paragraph (3)(A)7. of 6 CSR 10 2.190 requires high school students seeking eligibility for an A+ scholarship to complete fifty (50) hours of unpaid tutoring or mentoring prior to high school graduation. The department is suspending this tutoring/mentoring requirement and lowering the tutoring/mentoring requirement to twenty five (25) hours for high school seniors graduating at the end of the 2020 academic year due to disruptions to the school year caused by COVID 19.

Subparagraph (3)(A)8.A. of 6 CSR 10 2.190 requires high school students seeking eligibility for an A+ scholarship to score a proficient or advanced on the official Algebra I end of course exam. The department is suspending this regulation for high school seniors graduating at the end of the 2020 academic year due to the fact that the test was cancelled during the 2019 academic year due to COVID 19 pandemic.

*EMERGENCY STATEMENT:* Pursuant to Executive Order (EO) 21 07 dated March 26, 2021, the referred to sections of this rule are suspended effective April 19, 2021 and is effective until August 31, 2021.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**IN ADDITION**

**NOTICE OF SUSPENSION OF RULE**

**10 CSR 10-6.060(3)(H)5. Construction Permits Required**

*ACTION TAKEN:* This NOTICE OF SUSPENSION OF RULE 10 CSR 10 6.060(3)(H)5. applies to portions of paragraph 5. and only to interest on payments whose payment due date occurred on or after the date of Executive Order 20 02, and on or before the termination of this suspension. 10 CSR 10 6.060(3)(H)5. requires the department to assess interest on unpaid construction permit processing fees not paid within ninety (90) calendar days of permit submittal. Due to the

financial impacts of COVID 19, and the disruptions caused by remote work necessary to maintain social distancing, the requirement to pay interest on payments of any construction permit processing fees are temporarily suspended.

*EMERGENCY STATEMENT:* Pursuant to Executive Order 21 07 dated March 26, 2021, the rule is suspended effective April 19, 2021 until June 30, 2021.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 9—Treatment Plant Operations**

**IN ADDITION**

**NOTICE OF SUSPENSION OF RULE**

**10 CSR 20-9.030(4)(G) Certification of Wastewater Operators**

*ACTION TAKEN:* This NOTICE OF SUSPENSION OF RULE 10 CSR 20 9.030(4)(G) applies to the entirety of subsection (G) and only to late fees whose payment due date occurred on or after the date of Executive Order 20 02, and on or before the termination of this suspension. 10 CSR 20 9.030(4)(G) requires the department to assess a late fee of ten dollars (\$10) per month, up to twenty dollars (\$20), on wastewater operator certifications that are renewed after the certification expiration date. Due to the financial impacts of COVID 19, and the disruptions caused by remote work necessary to maintain social distancing, the requirement to pay late fees on renewal of any wastewater operator certifications are temporarily suspended.

*EMERGENCY STATEMENT:* Pursuant to Executive Order 21 07 dated March 26, 2021, the rule is suspended effective April 19, 2021 until June 30, 2021.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 14—Concentrated Animal Feeding Operation  
Waste Management System Operations**

**IN ADDITION**

**NOTICE OF SUSPENSION OF RULE**

**10 CSR 20-14.020(4)(G) Certification of Concentrated Animal Feeding Operation Waste Management System Operators**

*ACTION TAKEN:* This NOTICE OF SUSPENSION OF RULE 10 CSR 20 14.020(4)(G) applies to the entirety of subsection (G) and only to late fees whose payment due date occurred on or after the date of Executive Order 20 02, and on or before the termination of this suspension. 10 CSR 20 14.020(4)(G) requires the department to assess a late fee of ten dollars (\$10) per month, up to twenty dollars (\$20), on concentrated animal feeding operation (CAFO) operator certifications that are renewed after the certification expiration date. Due to the financial impacts of COVID 19, and the disruptions caused by remote work necessary to maintain social distancing, the requirement to pay late fees on renewal of any CAFO operator certifications are temporarily suspended.

*EMERGENCY STATEMENT:* Pursuant to Executive Order 21 07 dated March 26, 2021, the rule is suspended effective April 19, 2021 until June 30, 2021.



**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 12—Hazardous Waste Fees and Taxes**

**IN ADDITION**

**NOTICE OF SUSPENSION OF RULE**

**10 CSR 25-12.010(1) Fees and Taxes**

*ACTION TAKEN:* This NOTICE OF SUSPENSION OF RULE 10 CSR 25 12.010(1) applies to entirety of paragraphs (A)7. and (B)1. 2. and portions of subparagraphs (E)3.F. G. and subsection (F) and only to late fees, or interest on payments, whose payment due date occurred on or after the date of Executive Order 20 02, and on or before the termination of this suspension. These subsections require either a fifteen percent (15%) fee (10 CSR 25 12.010(1)(A)7., 10 CSR 25 12.010(1)(B)1., 10 CSR 25 12.010(1)(E)3.F. G., and 10 CSR 25 12.010(1)(F)), or ten percent (10%) interest (10 CSR 25 12.010(1)(B)2.), on late payments made by hazardous waste generators or hazardous waste treatment, storage, or disposal facilities. Due to the financial impacts of COVID 19, and the disruptions caused by remote work necessary to maintain social distancing, the requirements to pay late fees, or interest on late payments, made by hazardous waste generators and hazardous waste treatment, storage, or disposal facilities are temporarily suspended.

*EMERGENCY STATEMENT:* Pursuant to Executive Order 21 07 dated March 26, 2021, the rule is suspended effective April 19, 2021 until June 30, 2021.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 12—Hazardous Waste Fee and Taxes**

**IN ADDITION**

**NOTICE OF SUSPENSION OF RULE**

**10 CSR 25-12.020(3)(D) Hazardous Waste Compliance Inspection Fees**

*ACTION TAKEN:* This NOTICE OF SUSPENSION OF RULE 10 CSR 25 12.020(3) applies to entirety of subsection (D) and only to late fees, or interest on payments, whose payment due date occurred on or after the date of Executive Order 20 02, and on or before the termination of this suspension. This subsection requires a fifteen percent (15%) penalty on the fees due and, if not paid by the required date, interest at a rate of twelve percent (12%) per annum on any amounts owed. Due to the financial impacts of COVID 19, and the disruptions caused by remote work necessary to maintain social distancing, the requirements to pay late fees, or interest on late payments, made by hazardous waste generators and hazardous waste treatment, storage, or disposal facilities are temporarily suspended.

*EMERGENCY STATEMENT:* Pursuant to Executive Order 21 07 dated March 26, 2021, the rule is suspended effective April 19, 2021 until June 30, 2021.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 14—Operator Certification**

**IN ADDITION**

**NOTICE OF SUSPENSION OF RULE**

**10 CSR 60-14.020(8)(G) Certification of Public Water System Operators**

*ACTION TAKEN:* This NOTICE OF SUSPENSION OF RULE 10 CSR 60 14.020(8)(G) applies to the entirety of subsection (G) and only to late fees whose payment due date occurred on or after the date of Executive Order 20 02, and on or before the termination of this suspension. 10 CSR 60 14.020(8)(G) requires the department to assess a late fee of ten dollars (\$10) per month, up to twenty dollars (\$20), on public water system operator certifications that are renewed after the certification expiration date. Due to the financial impacts of COVID 19, and the disruptions caused by remote work necessary to maintain social distancing, the requirement to pay late fees on late payments made by public water system operation certifications are temporarily suspended.

*EMERGENCY STATEMENT:* Pursuant to Executive Order 21 07 dated March 26, 2021, the rule is suspended effective April 19, 2021 until June 30, 2021.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 16—Drinking Water Fees**

**IN ADDITION**

**NOTICE OF SUSPENSION OF RULE**

**10 CSR 60-16.010(5)(A)-(C) Levy and Collection of the Missouri Primacy Fee**

*ACTION TAKEN:* This NOTICE OF SUSPENSION OF RULE 10 CSR 60 16.010(5) applies to portions of subsections (A) (C) and only to interest on payments whose due date occurred on or after the date of Executive Order 20 02, and on or before the termination of this suspension. 10 CSR 60 16.010(5)(A) requires interest to accrue on late payments of the Missouri primacy fee from community water systems to the department at a rate of twelve percent (12%) per annum. 10 CSR 16.010(5)(B) limits to two (2) months the amount of time the department may grant an extension on payment of these fees. 10 CSR 60 16.010(5)(C) references the interest required by 10 CSR 60 16.010(5)(A). Due to the financial impacts of COVID 19, and the disruptions caused by remote work necessary to maintain social distancing, the requirement to pay interest on late payments of the Missouri primacy fee from community water systems, and the limitation on time the department has to grant extensions on these payments, are temporarily suspended.

*EMERGENCY STATEMENT:* Pursuant to Executive Order 21 07 dated March 26, 2021, the rule is suspended effective April 19, 2021 until June 30, 2021.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 16—Drinking Water Fees**

**IN ADDITION**

**NOTICE OF SUSPENSION OF RULE**

**10 CSR 60-16.030(4)(B) Laboratory Services and Program Administration Fees**

*ACTION TAKEN:* This NOTICE OF SUSPENSION OF RULE 10 CSR 60 16.030(4)(B) applies to portions of paragraphs 2. and 4. and only to interest on payments whose due date occurred on or after the date of Executive Order 20 02, and on or before the termination of this suspension. 10 CSR 60 16.030(4)(B)2. requires interest to accrue on late payments of the laboratory services and program administration

*fees from public water systems to the department at a rate of twelve percent (12%) per annum. 10 CSR 16.030(4)(B)4. limits to two (2) months the amount of time the department may grant an extension on payment of these fees. Due to the financial impacts of COVID 19, and the disruptions caused by remote work necessary to maintain social distancing, the requirement to pay interest on late payments of the laboratory services and program administration fees from public water systems, and the limitation on time the department has to grant extensions on these payments, are temporarily suspended.*

**EMERGENCY STATEMENT:** Pursuant to Executive Order 21 07 dated March 26, 2021, the rule is suspended effective April 19, 2021 until June 30, 2021.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 140—Division of Energy  
Chapter 2—Energy Set-Aside Fund**

**IN ADDITION**

**Notification:** Applications accepted between June 1, 2021 and September 30, 2021 for Energy Efficiency and Renewable Energy Loan Cycle.

The Missouri Department of Natural Resources' (department) Division of Energy is making available approximately five (5) million dollars in loan financing for qualified energy efficiency and renewable energy projects. Energy saving investments may include projects such as insulation, lighting systems, heating and cooling systems, combined heat and power, pumps, motors, aerators, renewable energy systems, and other measures that reduce energy use and cost. Recipients repay loans with money saved on energy costs.

**Eligible Energy-Using Sectors:** Loan funds will be allocated to eligible energy using sectors as follows:

- Public Schools (K 12): twenty five percent (25%) of available funds;
- Public Higher Education Institutions: twenty five percent (25%) of available funds;
- Public and Private not for profit Hospitals: twenty five percent (25%) of available funds; and
- Local Governments: twenty five percent (25%) of available funds. Local governments include a county, city, or village (which may include water treatment plants or waste water facilities), local government/public owned airport facilities (municipal, county, regional, and international); or any hospital district as defined in section 206.010, RSMo; or any sewer district as defined in section 249.010, RSMo; or any water supply districts as defined in section 247.010, RSMo; or any ambulance district as defined in section 190.010, RSMo; or any sub district of a zoological park and museum district as defined in section 184.352, RSMo.

**Application Procedures:** An application for loan funds may be submitted to the department for the purpose of financing all or a portion of the cost of implementing an energy saving project.

Each applicant may apply for a loan not to exceed one (1) million dollars. Loan applications will not be considered for less than ten thousand dollars (\$10,000) or with a payback score of less than six (6) months.

If funds remain after review and priority ranking of applications, the department will consider awarding loans in excess of one (1) million dollars.

Requests for loan financing must be made using the Division of Energy's Energy Loan Program Application Authorization Form, Fuel Use Summary Form, and Energy Conservation Measure Summary Form. Application forms and instructions are available on the department's website: <https://energyloan.mo.gov>.

The Application Authorization Form must be signed and dated by an authorized official. An authorized official is an individual with authority to obligate an eligible applicant to the terms of loan agreement and promissory note to repay loan proceeds.

A paper or electronic copy of the signed original Application Authorization Form and required documents may be submitted to the department's address below.

Applications received after September 30, 2021 will not be considered for a loan award for this FY2022 cycle but may be held for consideration during subsequent application cycles.

The department may request additional information as needed to determine the feasibility of a project, the project's estimated annual energy savings, and financial risks of a loan transaction. Also, an energy conservation measure has the potential of affecting other areas within the facility or system. Applicants must have no outstanding actions for violations of applicable federal, state, or local laws, ordinances, and rules.

**Interest Rates:** Loan principal plus one and three quarters percent (1.75 %) interest is to be repaid to the department in semi annual payments not to exceed a ten (10 ) year repayment period. An administrative fee of one percent (1%) of loan principal will be added to the repayment amount.

**Selection Criteria:** Recipients of loan financing will be determined on a first come first served basis. Applications will be ranked based on the date all information needed to determine the feasibility of the project is received. If all funds are not allocated in any one (1) sector after ranking, the department may allocate funds to other sectors. **\*\*Note\*\*** Loan applications will be approved or disapproved by December 29, 2021.

**For More Information Contact:**

Missouri Department of Natural Resources  
Division of Energy  
Attn: Energy Loan Program Clerk  
PO Box 176  
1101 Riverside Drive  
Jefferson City, MO 65102

Phone: 1.855.522.2796  
Email: [energy@dnr.mo.gov](mailto:energy@dnr.mo.gov)  
Website: <https://energyloan.mo.gov/>

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:  
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for July 12, 2021. These applications are available for public inspection at the address shown below.

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**4/28/2021**

**#5858 HS:** Mercy Hospital Lebanon  
Lebanon (Laclede County)  
\$1,112,413, Replace MRI unit

**4/29/2021**

**#5859 HS:** Phelps Health  
Rolla (Phelps County)  
\$1,750,000, Replace robotic surgery system

**4/30/2021**

**#5862 HS:** Belton Regional Medical Center  
Belton (Cass County)  
\$3,242,986, Replace MRI unit

**#5861 HS:** Centerpoint Medical Center  
Independence (Jackson County)  
\$2,459,500, Replace robotic surgery system

**#5863 HS:** Research Medical Center  
Kansas City (Jackson County)  
\$1,896,682, Add additional robotic surgery system

**#5864 HS:** North Kansas City Hospital  
North Kansas City (Clay County)  
\$1,601,980, Replace cardiac cath lab #1 equipment

**#5843 RS:** Senior Living at the Elms  
Excelsior Springs (Clay County)  
\$24,835,000, Establish 110 bed assisted living facility (ALF)

**#5860 RS:** Cedarhurst of Wentzville  
Wentzville (St. Charles County)  
\$15,600,000, Establish 80 bed assisted living facility (ALF)

**#5865 HS:** St. Louis Children's Hospital  
St. Louis (St. Louis County)  
\$2,246,004, Add additional MRI unit

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by June 3, 2021. All written requests and comments should be sent to

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
3418 Knipp Drive, Suite F  
PO Box 570  
Jefferson City, MO 65102  
For additional information contact Alison Dorge at  
alison.dorge@health.mo.gov.

review of the CON application listed below. A decision is tentatively scheduled for June 21, 2021. This application is available for public inspection at the address shown below.

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**5/10/2021**

**#5854 HT:** Bothwell Regional Health Center  
Sedalia (Pettis County)  
\$1,998,465, Replace linear accelerator

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by June 10, 2021. All written requests and comments should be sent to

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
3418 Knipp Drive, Suite F  
PO Box 570  
Jefferson City, MO 65102  
For additional information contact Alison Dorge at  
alison.dorge@health.mo.gov.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:  
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [adrules.dissolutions@sos.mo.gov](mailto:adrules.dissolutions@sos.mo.gov).

## **NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST CHALFANT & TOMPKINS TITLE AGENCY, INC.**

On January 1, 2021, all the shareholders of Chalfant & Tompkins Title Agency, Inc., a Missouri corporation authorized and consented to the dissolution of Chalfant & Tompkins Title Agency, Inc., a Missouri Corporation, and thereafter filed its articles of dissolution with the Missouri Secretary of State. The dissolution was effective January 5, 2021.

You are hereby notified that if you believe you have a claim against Chalfant & Tompkins Title Agency, Inc. you must submit a summary in writing of the circumstances surrounding your claim to the corporation c/o Larry Peterson, 188 Panoramic Drive, Camdenton, Missouri 65020. The summary of your claim must include the following information:

1. The name, address, and telephone number of the claimant.
2. The amount of the claim.
3. The date of the event on which the claim is based.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Chalfant & Tompkins Title Agency, Inc. will be barred unless the proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

## **NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST HEER'S LUXURY MT, LLC**

Heer's Luxury MT, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State. Effective on April 22, 2021. Any and all claims against the Company may be sent to Zachary Nichols, 12220 State Line Road, Leawood, Kansas 62209. Each claim should include the following information: the name, address and telephone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim and documentation for the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND  
CLAIMANTS AGAINST HAWKINS FAMILY FARM, L.L.C., A  
MISSOURI LIMITED LIABILITY COMPANY**

On March 11, 2021, Hawkins Family Farm, L.L.C., Charter Number LC001519055, filed its Notice of Winding Up with the Missouri Secretary of State. Said Company requests that all persons and organizations who have claims against it present them immediately by letter to Greg Hawkins, 32155 280th Street, Fairfax, MO 64446. All claims must include the following information: (1) The name and current address of the claimant. (2) The amount claimed. (3) A brief description and nature of the debt or the basis for the claim. (4) The date the claim was incurred.

Note: Any claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this or any other notice authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS  
AGAINST HEER'S MANAGER, LLC**

Heer's Manager, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State. Effective on April 22, 2021. Any and all claims against the Company may be sent to Zachary Nichols, 12220 State Line Road, Leawood, Kansas 62209. Each claim should include the following information: the name, address and telephone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim and documentation for the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS  
AGAINST HEER'S LUXURY LIVING, LLC**

Heer's Luxury Living, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State. Effective on April 22, 2021. Any and all claims against the Company may be sent to Zachary Nichols, 12220 State Line Road, Leawood, Kansas 62209. Each claim should include the following information: the name, address and telephone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim and documentation for the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS  
AGAINST E AND J HIDC, LLC

E and J HIDC, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State. Effective on April 22, 2021. Any and all claims against the Company may be sent to Zachary Nichols, 12220 State Line Road, Leawood, Kansas 62209. Each claim should include the following information: the name, address and telephone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim and documentation for the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS  
AGAINST HEER'S MANAGING MEMBER, LLC

Heer's Managing Member, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State. Effective on April 22, 2021. Any and all claims against the Company may be sent to Zachary Nichols, 12220 State Line Road, Leawood, Kansas 62209. Each claim should include the following information: the name, address and telephone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim and documentation for the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
GVP PASTRY, LLC

GVP Pastry, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on April 26, 2021. Any and all claims against GVP Pastry, LLC may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; (iv) documentation of the claim. A claim against GVP Pastry, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP  
FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
DANGIE, LLC

Effective January 14, 2021, DANGIE, LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Persons with claims against the limited liability company should present them in accordance with the Notice of Winding Up. You must furnish your name, address and telephone number together with the following: (i) Amount of the claim; (ii) Basis for the claim; and (iii) Documentation of the claim.

Claims must be mailed to: Jayne D. Corley, Stock Legal, LLC, 4512 W. Pine Blvd., St. Louis, MO 63108.

A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.



NOTICE OF WINDING UP  
FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
DNA AVIATION, LLC

Effective January 14, 2021, DNA AVIATION, LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Persons with claims against the limited liability company should present them in accordance with the Notice of Winding Up. You must furnish your name, address and telephone number together with the following: (i) Amount of the claim; (ii) Basis for the claim; and (iii) Documentation of the claim.

Claims must be mailed to: Jayne D. Corley, Stock Legal, LLC, 4512 W. Pine Blvd., St. Louis, MO 63108.

A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP  
FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
DANGIE-BELMONT EQUESTRIAN LLC

Effective January 14, 2021, DANGIE-BELMONT EQUESTRIAN LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Persons with claims against the limited liability company should present them in accordance with the Notice of Winding Up. You must furnish your name, address and telephone number together with the following: (i) Amount of the claim; (ii) Basis for the claim; and (iii) Documentation of the claim.

Claims must be mailed to: Jayne D. Corley, Stock Legal, LLC, 4512 W. Pine Blvd., St. Louis, MO 63108.

A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP  
FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
DRAGONFLY FARMS, LLC

Effective January 14, 2021, DRAGONFLY FARMS, LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Persons with claims against the limited liability company should present them in accordance with the Notice of Winding Up. You must furnish your name, address and telephone number together with the following: (i) Amount of the claim; (ii) Basis for the claim; and (iii) Documentation of the claim.

Claims must be mailed to: Jayne D. Corley, Stock Legal, LLC, 4512 W. Pine Blvd., St. Louis, MO 63108.

A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP  
FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
DANGIE-DENNY LANE LLC

Effective January 14, 2021, DANGIE-DENNY LANE LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Persons with claims against the limited liability company should present them in accordance with the Notice of Winding Up. You must furnish your name, address and telephone number together with the following: (i) Amount of the claim; (ii) Basis for the claim; and (iii) Documentation of the claim.

Claims must be mailed to: Jayne D. Corley, Stock Legal, LLC, 4512 W. Pine Blvd., St. Louis, MO 63108.

A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION  
OF CORPORATION  
TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
LEARAY INC.

Effective January 14, 2021, LEARAY INC., a Missouri corporation, filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

You may submit any claim against the corporation by mail in writing to: Jayne D. Corley, Stock Legal, LLC, 4512 W. Pine Blvd., St. Louis, MO 63108. All claims must include claimant's name, telephone number and address, the claim amount, the date the claim arose, the basis for the claim and documentation for the claim.

All claims against the corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

**NOTICE OF DISSOLUTION AND WINDING UP**  
**TO ALL CREDITORS OF AND CLAIMANTS AGAINST**  
**The Westport United Methodist Church**

On May 1, 2021, The Westport United Methodist Church (the "Company"), a Missouri nonprofit corporation filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against the Company, you must submit a summary in writing of the circumstances surrounding your claim to Nathanael Berneking, Director of Finance and Administrative Ministries, Missouri Annual Conference of the United Methodist Church, 3601 Amron Court, Columbia, MO 65202, 573.441.1770, Ext.210. The summary must include the following information: (1) the name, address, and telephone number of the claimant; (2) amount of claim; (3) basis of the claim; (4) the date on which the claim arose; and (5) documentation supporting the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.



NOTICE TO THE UNKNOWN CREDITORS

OF

ZONE 2, LLC

You are hereby notified that on March 29, 2021, Zone 2, LLC, a Missouri limited liability company (the "Company"), the principal office of which is located in Jefferson City, Missouri, filed a Notice of Winding Up with the Secretary of State of Missouri.

In order to file a claim with the Company, you must furnish the amount and the basis for the claim and provide all necessary documentation supporting this claim. All claims must be mailed to:

Spencer Fane LLP  
1 N. Brentwood Blvd., Suite 1000  
St. Louis, Missouri, 63105  
Attention: Roger Denny

A claim against Zone 2, LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year 43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				45 MoReg 1926
1 CSR 10 15.010	Commissioner of Administration	46 MoReg 109	46 MoReg 187	46 MoReg 879	
1 CSR 20 5.020	Personnel Advisory Board and Division of Personnel	46 MoReg 39T			
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30 10.010	Animal Health	46 MoReg 393	46 MoReg 397		
2 CSR 80 3.020	State Milk Board		45 MoReg 1955	46 MoReg 708	
2 CSR 80 3.030	State Milk Board		45 MoReg 1955	46 MoReg 708	
2 CSR 80 3.040	State Milk Board		45 MoReg 1956	46 MoReg 708	
2 CSR 80 3.060	State Milk Board		45 MoReg 1956	46 MoReg 708	
2 CSR 80 3.070	State Milk Board		45 MoReg 1957	46 MoReg 709	
2 CSR 80 3.080	State Milk Board		45 MoReg 1959	46 MoReg 709	
2 CSR 90 30.040	Weights, Measures and Consumer Protection		46 MoReg 753		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10 4.111	Conservation Commission		46 MoReg 397		
3 CSR 10 4.135	Conservation Commission		46 MoReg 398		
3 CSR 10 6.550	Conservation Commission		46 MoReg 398		
3 CSR 10 6.605	Conservation Commission		46 MoReg 398		
3 CSR 10 7.405	Conservation Commission		46 MoReg 10	46 MoReg 768	
3 CSR 10 7.410	Conservation Commission		46 MoReg 11	46 MoReg 768	
3 CSR 10 7.439	Conservation Commission		46 MoReg 399		
3 CSR 10 7.440	Conservation Commission			46 MoReg 769	
3 CSR 10 7.705	Conservation Commission			46 MoReg 770	
3 CSR 10 7.710	Conservation Commission			46 MoReg 770	
3 CSR 10 7.900	Conservation Commission			46 MoReg 771	
3 CSR 10 7.905	Conservation Commission			46 MoReg 771	
3 CSR 10 9.105	Conservation Commission		46 MoReg 399		
3 CSR 10 9.110	Conservation Commission		46 MoReg 404		
3 CSR 10 9.220	Conservation Commission		46 MoReg 404		
3 CSR 10 9.223	Conservation Commission		46 MoReg 407		
3 CSR 10 9.230	Conservation Commission		46 MoReg 407		
3 CSR 10 9.240	Conservation Commission		46 MoReg 408		
3 CSR 10 9.250	Conservation Commission		46 MoReg 408		
3 CSR 10 9.350	Conservation Commission		46 MoReg 408		
3 CSR 10 9.351	Conservation Commission		46 MoReg 409		
3 CSR 10 9.352	Conservation Commission		46 MoReg 411		
3 CSR 10 9.353	Conservation Commission		46 MoReg 413		
3 CSR 10 9.354	Conservation Commission		46 MoReg 415		
3 CSR 10 9.359	Conservation Commission		46 MoReg 420		
3 CSR 10 9.360	Conservation Commission		46 MoReg 420		
3 CSR 10 9.370	Conservation Commission		46 MoReg 421		
3 CSR 10 9.371	Conservation Commission		46 MoReg 424		
3 CSR 10 9.372	Conservation Commission		46 MoReg 429		
3 CSR 10 9.442	Conservation Commission		46 MoReg 429		
3 CSR 10 9.560	Conservation Commission		46 MoReg 429		
3 CSR 10 9.565	Conservation Commission		46 MoReg 430		
3 CSR 10 9.566	Conservation Commission		46 MoReg 434		
3 CSR 10 10.725	Conservation Commission		46 MoReg 434		
3 CSR 10 10.739	Conservation Commission		46 MoReg 434		
3 CSR 10 10.744	Conservation Commission		46 MoReg 435		
3 CSR 10 10.767	Conservation Commission		46 MoReg 435		
3 CSR 10 11.186	Conservation Commission		46 MoReg 436		
3 CSR 10 12.109	Conservation Commission		46 MoReg 436		
3 CSR 10 12.110	Conservation Commission		46 MoReg 436		
3 CSR 10 20.805	Conservation Commission		46 MoReg 437		
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 20 100.230	Division of Learning Services		45 MoReg 1067 46 MoReg 47	45 MoReg 1913	
5 CSR 20 100.275	Division of Learning Services		46 MoReg 49		
5 CSR 20 300.110	Division of Learning Services			46 MoReg 879	
5 CSR 20 300.130	Division of Learning Services <i>moved to 5 CSR 30 660.095</i>		This Issue		
5 CSR 20 400.180	Division of Learning Services		45 MoReg 1863	46 MoReg 709	
5 CSR 20 400.220	Division of Learning Services		This Issue		
5 CSR 20 400.500	Division of Learning Services		45 MoReg 1863 46 MoReg 754	46 MoReg 710	
5 CSR 20 400.510	Division of Learning Services		45 MoReg 1864	46 MoReg 711	
5 CSR 20 400.520	Division of Learning Services		45 MoReg 1864	46 MoReg 712	
5 CSR 20 400.530	Division of Learning Services		45 MoReg 1865	46 MoReg 714	
5 CSR 20 400.540	Division of Learning Services		45 MoReg 1866	46 MoReg 715	
5 CSR 20 400.550	Division of Learning Services		45 MoReg 1866	46 MoReg 716	
5 CSR 20 400.560	Division of Learning Services		45 MoReg 1867	46 MoReg 717	
5 CSR 20 400.620	Division of Learning Services		46 MoReg 316		
5 CSR 20 400.630	Division of Learning Services		46 MoReg 316		
5 CSR 30 640.200	Division of Financial and Administrative Services		This Issue		
5 CSR 30 660.080	Division of Financial and Administrative Services		This Issue		
5 CSR 30 660.085	Division of Financial and Administrative Services		46 MoReg 317R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 30 660.095	Division of Financial and Administrative Services <i>formally 5 CSR 20 300.130</i>		This Issue		
5 CSR 30 680.080	Division of Financial and Administrative Services		This Issue		
5 CSR 100 200.135	Missouri Commission for the Deaf and Hard of Hearing		46 MoReg 50	46 MoReg 771	
5 CSR 100 200.150	Missouri Commission for the Deaf and Hard of Hearing		46 MoReg 437	This Issue	
<b>DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT</b>					
6 CSR 10 2.190	A+ Scholarship Program	This Issue	This Issue		This Issue
<b>MISSOURI DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10 25.020	Missouri Highways and Transportation Commission		45 MoReg 1779	46 MoReg 718	
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 20 7.010	Labor and Industrial Relations Commission		46 MoReg 606R		
8 CSR 50 5.007	Division of Workers' Compensation	46 MoReg 305	46 MoReg 440		
8 CSR 50 6.010	Division of Workers' Compensation		46 MoReg 606R		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 30 3.150	Certification Standards		46 MoReg 754		
9 CSR 30 3.201	Certification Standards		45 MoReg 1960	46 MoReg 718	
9 CSR 30 3.202	Certification Standards		45 MoReg 1960	46 MoReg 719	
9 CSR 30 3.204	Certification Standards		45 MoReg 1960	46 MoReg 719	
9 CSR 30 3.206	Certification Standards		45 MoReg 1961	46 MoReg 719	
9 CSR 30 3.208	Certification Standards		45 MoReg 1962	46 MoReg 719	
9 CSR 30 4.047	Certification Standards		45 MoReg 1962	46 MoReg 719	
9 CSR 50 2.010	Admission Criteria		46 MoReg 497		
9 CSR 50 2.510	Admission Criteria		46 MoReg 505		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10 6.060	Air Conservation Commission				This Issue
10 CSR 10 6.376	Air Conservation Commission		46 MoReg 691		
10 CSR 20 8.300	Clean Water Commission	46 MoReg 39	46 MoReg 318		
10 CSR 20 9.030	Clean Water Commission				This Issue
10 CSR 20 14.020	Clean Water Commission				This Issue
10 CSR 25 12.010	Hazardous Waste Management Commission				This Issue
10 CSR 25 12.020	Hazardous Waste Management Commission				This Issue
10 CSR 60 5.010	Safe Drinking Water Commission		This Issue		
10 CSR 60 5.020	Safe Drinking Water Commission		This Issue		
10 CSR 60 14.020	Safe Drinking Water Commission		This Issue		This Issue
10 CSR 60 16.010	Safe Drinking Water Commission				This Issue
10 CSR 60 16.030	Safe Drinking Water Commission				This Issue
10 CSR 140 2	Division of Energy				This Issue
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 30 13.010	Office of the Director <i>moved to 11 CSR 90 4.010</i>		46 MoReg 696		
11 CSR 30 13.020	Office of the Director <i>moved to 11 CSR 90 4.020</i>		46 MoReg 696		
11 CSR 30 13.030	Office of the Director <i>moved to 11 CSR 90 4.030</i>		46 MoReg 697		
11 CSR 30 13.040	Office of the Director <i>moved to 11 CSR 90 4.040</i>		46 MoReg 697		
11 CSR 30 13.050	Office of the Director <i>moved to 11 CSR 90 4.050</i>		46 MoReg 698		
11 CSR 30 13.060	Office of the Director <i>moved to 11 CSR 90 4.060</i>		46 MoReg 698		
11 CSR 30 13.070	Office of the Director <i>moved to 11 CSR 90 4.070</i>		46 MoReg 699		
11 CSR 30 13.080	Office of the Director <i>moved to 11 CSR 90 4.080</i>		46 MoReg 700		
11 CSR 30 13.090	Office of the Director <i>moved to 11 CSR 90 4.090</i>		46 MoReg 701		
11 CSR 30 13.100	Office of the Director		46 MoReg 701R		
11 CSR 30 13.110	Office of the Director <i>moved to 11 CSR 90 4.100</i>		46 MoReg 702		
11 CSR 30 17.010	Office of the Director		45 MoReg 1658	46 MoReg 659	
11 CSR 30 18.010	Office of the Director		46 MoReg 606		
11 CSR 30 18.020	Office of the Director		46 MoReg 612		
11 CSR 45 5.090	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45 5.110	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45 5.140	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45 9.108	Missouri Gaming Commission		46 MoReg 759		
11 CSR 45 9.118	Missouri Gaming Commission		46 MoReg 759		
11 CSR 45 12.090	Missouri Gaming Commission		46 MoReg 50	This Issue	
11 CSR 50 2.020	Missouri State Highway Patrol		45 MoReg 1868	46 MoReg 772	
11 CSR 50 2.030	Missouri State Highway Patrol		45 MoReg 1869	46 MoReg 772	
11 CSR 50 2.080	Missouri State Highway Patrol		45 MoReg 1869	46 MoReg 772	
11 CSR 50 2.090	Missouri State Highway Patrol		45 MoReg 1869	46 MoReg 772	
11 CSR 50 2.160	Missouri State Highway Patrol		45 MoReg 1870	46 MoReg 772	
11 CSR 50 2.200	Missouri State Highway Patrol		45 MoReg 1870	46 MoReg 772	
11 CSR 50 2.270	Missouri State Highway Patrol		45 MoReg 1878	46 MoReg 773	
11 CSR 50 2.300	Missouri State Highway Patrol		45 MoReg 1878	46 MoReg 773	
11 CSR 50 2.310	Missouri State Highway Patrol		45 MoReg 1878	46 MoReg 773	
11 CSR 50 2.340	Missouri State Highway Patrol		45 MoReg 1879R	46 MoReg 773R	
11 CSR 75 16.010	Peace Officer Standards and Training Program		46 MoReg 321	This Issue	
11 CSR 90 4.010	Missouri 911 Service Board <i>formally 11 CSR 30 13.010</i>		46 MoReg 696		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 90 4.020	Missouri 911 Service Board <i>formally 11 CSR 30 13.020</i>		46 MoReg 696		
11 CSR 90 4.030	Missouri 911 Service Board <i>formally 11 CSR 30 13.030</i>		46 MoReg 697		
11 CSR 90 4.040	Missouri 911 Service Board <i>formally 11 CSR 30 13.040</i>		46 MoReg 697		
11 CSR 90 4.050	Missouri 911 Service Board <i>formally 11 CSR 30 13.050</i>		46 MoReg 698		
11 CSR 90 4.060	Missouri 911 Service Board <i>formally 11 CSR 30 13.060</i>		46 MoReg 698		
11 CSR 90 4.070	Missouri 911 Service Board <i>formally 11 CSR 30 13.070</i>		46 MoReg 699		
11 CSR 90 4.080	Missouri 911 Service Board <i>formally 11 CSR 30 13.080</i>		46 MoReg 700		
11 CSR 90 4.090	Missouri 911 Service Board <i>formally 11 CSR 30 13.090</i>		46 MoReg 701		
11 CSR 90 4.100	Missouri 911 Service Board <i>formally 11 CSR 30 13.110</i>		46 MoReg 702		
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10 2.019	Director of Revenue	46 MoReg 310	46 MoReg 321		
12 CSR 10 24.448	Director of Revenue		This Issue		
12 CSR 10 25.150	Director of Revenue		45 MoReg 1879	46 MoReg 659	
12 CSR 10 41.010	Director of Revenue	45 MoReg 1832	45 MoReg 1880	46 MoReg 660	
12 CSR 10 102.100	Director of Revenue		45 MoReg 1883	46 MoReg 660	
12 CSR 10 104.050	Director of Revenue		46 MoReg 260	This Issue	
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 35 31.025	Children's Division		46 MoReg 855		
13 CSR 40 2.015	Family Support Division		46 MoReg 325		
13 CSR 40 7.010	Family Support Division		46 MoReg 327		
13 CSR 40 7.050	Family Support Division		46 MoReg 859		
13 CSR 40 7.080	Family Support Division		45 MoReg 1964	46 MoReg 719	
13 CSR 40 91.020	Family Support Division		46 MoReg 445	This Issue	
13 CSR 70 3.230	MO HealthNet Division		45 MoReg 1967	46 MoReg 720	
13 CSR 70 10.015	MO HealthNet Division		46 MoReg 612		
13 CSR 70 15.160	MO HealthNet Division		This Issue		
13 CSR 70 20.045	MO HealthNet Division		46 MoReg 329	This Issue	
13 CSR 70 20.047	MO HealthNet Division		46 MoReg 329	This Issue	
13 CSR 70 20.060	MO HealthNet Division	46 MoReg 311	46 MoReg 332	This Issue	
13 CSR 70 20.070	MO HealthNet Division	This Issue	This Issue		
13 CSR 70 20.075	MO HealthNet Division	This Issue	This Issue		
13 CSR 70 20.250	MO HealthNet Division		46 MoReg 464	This Issue	
13 CSR 70 25.110	MO HealthNet Division		46 MoReg 623		
13 CSR 70 40.010	MO HealthNet Division		46 MoReg 702		
13 CSR 70 90.010	MO HealthNet Division	46 MoReg 601	46 MoReg 624		
13 CSR 70 94.020	MO HealthNet Division		46 MoReg 863		
<b>ELECTED OFFICIALS</b>					
15 CSR 30 55.060	Secretary of State		This Issue		
15 CSR 30 55.065	Secretary of State		This Issue		
15 CSR 40 3.125	State Auditor	This Issue	This Issue		
15 CSR 40 3.135	State Auditor	This Issue	This Issue		
<b>RETIREMENT SYSTEMS</b>					
16 CSR 20 2.010	Missouri Local Government Employees' Retirement System (LAGERS)		45 MoReg 1967	46 MoReg 660	
16 CSR 20 2.085	Missouri Local Government Employees' Retirement System (LAGERS)		45 MoReg 1967	46 MoReg 660	
<b>BOARDS OF POLICE COMMISSIONERS</b>					
17 CSR 10 2.010	Kansas City Board of Police Commissioners		46 MoReg 624R 46 MoReg 625		
17 CSR 10 2.020	Kansas City Board of Police Commissioners		46 MoReg 632R 46 MoReg 632		
17 CSR 10 2.030	Kansas City Board of Police Commissioners		46 MoReg 636R 46 MoReg 636		
17 CSR 10 2.040	Kansas City Board of Police Commissioners		46 MoReg 637R 46 MoReg 637		
17 CSR 10 2.050	Kansas City Board of Police Commissioners		46 MoReg 647R 46 MoReg 647		
17 CSR 10 2.055	Kansas City Board of Police Commissioners		46 MoReg 651R 46 MoReg 651		
17 CSR 10 2.060	Kansas City Board of Police Commissioners		46 MoReg 655R 46 MoReg 655		
<b>PUBLIC DEFENDER COMMISSION</b>					
18 CSR 10 1.010	Office of State Public Defender				46 MoReg 17
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 10 4.020	Office of the Director		46 MoReg 704		
19 CSR 20 20.200	Division of Community and Public Health	46 MoReg 493 46 MoReg 747T			
19 CSR 30 1.080	Division of Regulation and Licensure	46 MoReg 42	46 MoReg 51	46 MoReg 773	
19 CSR 30 40.342	Division of Regulation and Licensure				46 MoReg 723
19 CSR 30 81.030	Division of Regulation and Licensure		46 MoReg 334		
19 CSR 60 50	Missouri Health Facilities Review Committee				46 MoReg 665 This Issue
<b>DEPARTMENT OF COMMERCE AND INSURANCE</b>					
20 CSR	Construction Claims Binding Arbitration Cap				45 MoReg 1978
20 CSR	Sovereign Immunity Limits				45 MoReg 1978
20 CSR	State Legal Expense Fund Cap				45 MoReg 1978
20 CSR 200 22.010	Insurance Solvency and Company Regulation		46 MoReg 870		
20 CSR 500 6.100	Property and Casualty		45 MoReg 376		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 500 7.020	Property and Casualty		45 MoReg 376		
20 CSR 500 7.030	Property and Casualty		45 MoReg 377		
20 CSR 500 7.050	Property and Casualty		45 MoReg 377		
20 CSR 500 7.060	Property and Casualty		45 MoReg 379		
20 CSR 500 7.070	Property and Casualty		45 MoReg 379		
20 CSR 500 7.090	Property and Casualty		45 MoReg 380		
20 CSR 500 7.200	Property and Casualty		45 MoReg 381		
20 CSR 700 8.005	Insurance Licensing		45 MoReg 383		
20 CSR 700 8.150	Insurance Licensing		45 MoReg 383		
20 CSR 1140 2.020	Division of Finance		46 MoReg 759R		
20 CSR 1140 2.030	Division of Finance		46 MoReg 760R		
20 CSR 1140 2.035	Division of Finance		46 MoReg 760R		
20 CSR 1140 2.040	Division of Finance		46 MoReg 760R		
20 CSR 1140 2.053	Division of Finance		46 MoReg 760R		
20 CSR 1140 2.060	Division of Finance		46 MoReg 761R		
20 CSR 1140 2.067	Division of Finance		46 MoReg 761R		
20 CSR 1140 2.081	Division of Finance		46 MoReg 761		
20 CSR 1140 2.082	Division of Finance		46 MoReg 762R		
20 CSR 1140 2.090	Division of Finance		46 MoReg 762		
20 CSR 1140 2.100	Division of Finance		46 MoReg 762R		
20 CSR 1140 2.126	Division of Finance		46 MoReg 762R		
20 CSR 1140 6.025	Division of Finance		46 MoReg 763R		
20 CSR 1140 6.030	Division of Finance		46 MoReg 763R		
20 CSR 1140 6.040	Division of Finance		46 MoReg 763R		
20 CSR 1140 6.060	Division of Finance		46 MoReg 763		
20 CSR 2010 2.041	Missouri State Board of Accountancy		45 MoReg 1897	46 MoReg 660	
20 CSR 2010 2.061	Missouri State Board of Accountancy		45 MoReg 1899	46 MoReg 661	
20 CSR 2010 4.020	Missouri State Board of Accountancy		45 MoReg 1901	46 MoReg 662	
20 CSR 2010 4.031	Missouri State Board of Accountancy		45 MoReg 1901	46 MoReg 662	
20 CSR 2030 5.120	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		46 MoReg 54	46 MoReg 773	
20 CSR 2030 5.160	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		46 MoReg 54	46 MoReg 774	
20 CSR 2030 8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		46 MoReg 358	This Issue	
20 CSR 2045 1.010	Athlete Agents		46 MoReg 260	46 MoReg 879	
20 CSR 2063 6.005	Behavior Analyst Advisory Board		This Issue		
20 CSR 2120 3.400	State Board of Embalmers and Funeral Directors		46 MoReg 870R		
20 CSR 2120 3.405	State Board of Embalmers and Funeral Directors		46 MoReg 870R		
			46 MoReg 871		
20 CSR 2120 3.410	State Board of Embalmers and Funeral Directors		46 MoReg 874R		
20 CSR 2150 5.025	State Board of Registration for the Healing Arts	46 MoReg 182	46 MoReg 262	This Issue	
20 CSR 2220 2.016	State Board of Pharmacy		46 MoReg 874R		
			46 MoReg 874		
20 CSR 2220 2.120	State Board of Pharmacy		45 MoReg 1903	46 MoReg 663	
20 CSR 2220 2.200	State Board of Pharmacy	46 MoReg 853	46 MoReg 878		
20 CSR 2220 2.425	State Board of Pharmacy		46 MoReg 358	This Issue	
20 CSR 2220 2.685	State Board of Pharmacy		46 MoReg 465		
20 CSR 2220 6.040	State Board of Pharmacy	46 MoReg 5	46 MoReg 12	46 MoReg 720	
20 CSR 2220 6.050	State Board of Pharmacy	46 MoReg 183	46 MoReg 262	This Issue	
20 CSR 2220 7.025	State Board of Pharmacy		46 MoReg 263	46 MoReg 880	
20 CSR 2232 1.020	Missouri State Committee of Interpreters		This Issue		
20 CSR 2234 1.050	Board of Private Investigator and Private Fire Investigator Examiners		46 MoReg 764		
20 CSR 2234 6.010	Board of Private Investigator and Private Fire Investigator Examiners		46 MoReg 360	This Issue	
20 CSR 2235 1.020	State Committee of Psychologists		45 MoReg 1968	46 MoReg 663	
20 CSR 2235 1.025	State Committee of Psychologists		45 MoReg 1970	46 MoReg 663	
20 CSR 2235 1.026	State Committee of Psychologists		45 MoReg 1970	46 MoReg 663	
20 CSR 2235 1.030	State Committee of Psychologists		45 MoReg 1971	46 MoReg 663	
20 CSR 2235 1.031	State Committee of Psychologists		45 MoReg 1971	46 MoReg 664	
20 CSR 2235 2.001	State Committee of Psychologists		46 MoReg 509		
20 CSR 2235 2.005	State Committee of Psychologists		46 MoReg 13	46 MoReg 774	
20 CSR 2235 2.070	State Committee of Psychologists		46 MoReg 13	46 MoReg 774	
20 CSR 2235 7.010	State Committee of Psychologists		46 MoReg 706		
20 CSR 2255 1.030	Missouri Board for Respiratory Care		46 MoReg 658		
20 CSR 2263 2.031	State Committee for Social Workers		46 MoReg 767		
20 CSR 2263 2.050	State Committee for Social Workers		46 MoReg 767		
20 CSR 2263 2.082	State Committee for Social Workers		46 MoReg 466	This Issue	
<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10 2.046	Health Care Plan	45 MoReg 1852	45 MoReg 1907	46 MoReg 720	
22 CSR 10 2.047	Health Care Plan	45 MoReg 1853	45 MoReg 1907	46 MoReg 721	
22 CSR 10 2.053	Health Care Plan	45 MoReg 1853	45 MoReg 1907	46 MoReg 721	
22 CSR 10 2.089	Health Care Plan	45 MoReg 1855	45 MoReg 1909	46 MoReg 721	
22 CSR 10 3.030	Health Care Plan	45 MoReg 1856	45 MoReg 1909	46 MoReg 721	
22 CSR 10 3.055	Health Care Plan	45 MoReg 1857	45 MoReg 1910	46 MoReg 721	
22 CSR 10 3.058	Health Care Plan	45 MoReg 1858	45 MoReg 1911	46 MoReg 721	
22 CSR 10 3.059	Health Care Plan	45 MoReg 1858	45 MoReg 1911	46 MoReg 722	

Agency	Publication	Effective	Expiration
<b>Office of Administration</b>			
<b>Commissioner of Administration</b>			
1 CSR 10-15.010 Cafeteria Plan . . . . .	46 MoReg 109 . . . . .	Jan. 4, 2021 . . . . .	July 2, 2021
<b>Department of Agriculture</b>			
<b>Animal Health</b>			
2 CSR 30-10.010 Inspection of Meat and Poultry . . . . .	46 MoReg 393 . . . . .	Feb. 11, 2021 . . . . .	Aug. 9, 2021
<b>Department of Higher Education and Workforce Development</b>			
<b>Commissioner of Higher Education and Workforce Development</b>			
6 CSR 10-2.190 A+ Scholarship Program . . . . .	This Issue . . . . .	May 12, 2021 . . . . .	Feb. 21, 2022
<b>Department of Labor and Industrial Relations</b>			
<b>Division of Workers' Compensation</b>			
8 CSR 50-5.007 Evidence of Occupational Disease Exposure for First Responders . . . . .	46 Mo Reg 305 . . . . .	Feb. 1, 2021 . . . . .	July 30, 2021
<b>Department of Natural Resources</b>			
<b>Clean Water Commission</b>			
10 CSR 20-8.300 Design of Concentrated Animal Feeding Operations . . . . .	46 MoReg 39 . . . . .	Dec. 22, 2020 . . . . .	June 19, 2021
<b>Department of Public Safety</b>			
<b>Peace Officer Standards and Training Program</b>			
11 CSR 75-15.010 Continuing Education Requirement . . . . .	45 MoReg 1831 . . . . .	Jan. 1, 2021 . . . . .	June 29, 2021
11 CSR 75-15.020 Minimum Standards for Continuing Education Training . . . . .	45 MoReg 1832 . . . . .	Jan. 1, 2021 . . . . .	June 29, 2021
<b>Department of Revenue</b>			
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12 CSR 10-2.019 Determination of Withholding for Work Performed at Temporary Work Locations . . . . .	46 Mo Reg 310 . . . . .	Jan. 21, 2021 . . . . .	July 19, 2021
12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . .	45 MoReg 1832 . . . . .	Jan. 1, 2021 . . . . .	June 29, 2021
<b>Department of Social Services</b>			
<b>MO HealthNet Division</b>			
13 CSR 70-20.060 Professional Dispensing Fee . . . . .	46 Mo Reg 311 . . . . .	Feb. 1, 2021 . . . . .	July 30, 2021
13 CSR 70-20.070 Drug Reimbursement Methodology . . . . .	This Issue . . . . .	July 1, 2021 . . . . .	Feb. 24, 2022
13 CSR 70-20.075 340B Drug Pricing Program . . . . .	This Issue . . . . .	July 1, 2021 . . . . .	Feb. 24, 2022
13 CSR 70-90.010 Home Health Care Services . . . . .	46 MoReg 601 . . . . .	July 1, 2021 . . . . .	Trm. May 13, 2021
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<b>State Auditor</b>			
15 CSR 40-3.125 Calculation and Revision of Property Tax Rates by School Districts . . . . .	This Issue . . . . .	May. 13, 2021 . . . . .	Dec. 30, 2021
15 CSR 40-3.135 Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts . . . . .	This Issue . . . . .	May. 13, 2021 . . . . .	Dec. 30, 2021
<b>Department of Health and Senior Services</b>			
<b>Division of Regulation and Licensure</b>			
19 CSR 30-1.080 Electronic Prescribing Waiver . . . . .	46 MoReg 42 . . . . .	Dec. 31, 2020 . . . . .	June 28, 2021
<b>Department of Commerce and Insurance</b>			
<b>State Board of Registration for the Healing Arts</b>			
20 CSR 2150-5.025 Administration of Vaccines Per Protocol . . . . .	46 MoReg 182 . . . . .	Jan. 19, 2021 . . . . .	July 17, 2021
<b>State Board of Pharmacy</b>			
20 CSR 2220-2.200 Sterile Compounding . . . . .	46 MoReg 853 . . . . .	April 28, 2021 . . . . .	Feb. 7, 2022
20 CSR 2220-6.040 Administration by Medical Prescription Order . . . . .	46 MoReg 5 . . . . .	Dec. 11, 2020 . . . . .	June 8, 2021
20 CSR 2220-6.050 Administration of Vaccines Per Protocol . . . . .	46 MoReg 183 . . . . .	Jan. 19, 2021 . . . . .	July 17, 2021
<b>Missouri Consolidated Health Care Plan</b>			
<b>Health Care Plan</b>			
22 CSR 10-2.046 PPO 750 Plan Benefit Provisions and Covered Charges . . . . .	45 MoReg 1852 . . . . .	Jan. 1, 2021 . . . . .	June 29, 2021
22 CSR 10-2.047 PPO 1250 Plan Benefit Provisions and Covered Charges . . . . .	45 MoReg 1853 . . . . .	Jan. 1, 2021 . . . . .	June 29, 2021
22 CSR 10-2.053 Health Savings Account Plan Benefit Provisions and Covered Charges . . . . .	45 MoReg 1853 . . . . .	Jan. 1, 2021 . . . . .	June 29, 2021
22 CSR 10-2.089 Pharmacy Employer Group Waiver Plan for Medicare Primary Members . . . . .	45 MoReg 1855 . . . . .	Jan. 1, 2021 . . . . .	June 29, 2021

<b>22 CSR 10-3.030</b>	Public Entity Membership Agreement and Participation	
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<b>22 CSR 10-3.055</b>	Health Savings Account Plan Benefit Provisions and	
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<b>22 CSR 10-3.058</b>	PPO 750 Plan Benefit Provisions and Covered Charges . .	.45 MoReg 1858 . . . . .Jan. 1, 2021 . . . . .June 29, 2021
<b>22 CSR 10-3.059</b>	PPO 1250 Plan Benefit Provisions and Covered Charges . .	.45 MoReg 1858 . . . . .Jan. 1, 2021 . . . . .June 29, 2021

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<u><b>2021</b></u>			
<b>21-07</b>	Extends Executive Order 20 02, Executive Order 20 04, Executive Order 20 05, Executive Order 20 06, and Executive Order 20 14 until August 31, 2021	March 26, 2021	46 MoReg 750
<b>21-06</b>	Creates and establishes the Show Me Strong Recovery Task Force and rescinds Executive Order	March 22, 2021	46 MoReg 748
<b>21-05</b>	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 24, 2021	46 MoReg 605
<b>21-04</b>	Extends Executive Order 21 03 until February 28, 2021 and terminates Executive Order 20 17.	February 19, 2021	46 MoReg 603
<b>21-03</b>	Declares a State of Emergency and exempts hours of service requirements for vehicles transporting residential heating fuel until February 21, 2021	February 11, 2021	46 MoReg 495
<b>21-02</b>	Establishes the Office of Childhood within the Department of Elementary and Secondary Education	January 28, 2021	46 MoReg 394
<b>21-01</b>	Terminates Executive Orders 03 11 and 02 05, and modifies provisions of Executive Order 05 06	January 7, 2021	46 MoReg 314
<u><b>2020</b></u>			
<b>20-21</b>	Modifies the provisions of the Missouri Justice Reinvestment Executive Oversight Council, as established in Executive Order 18 08	December 30, 2020	46 MoReg 185
<b>20-20</b>	Closes state offices December 24, 2020	December 7, 2020	46 MoReg 46
<b>20-19</b>	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia until March 31, 2021. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20 04. Gov. Parson also extends, in whole, Executive Orders 20 05, 20 06, and 20 08	November 19, 2020	46 MoReg 7
<b>Proclamation</b>	Adds additional measures for consideration during the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID 19	November 12, 2020	45 MoReg 1953
<b>20-18</b>	Closes state offices November 27, 2020	October 30, 2020	45 MoReg 1862
<b>Proclamation</b>	Convenes the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID 19	October 21, 2020	45 MoReg 1860
<b>20-17</b>	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	September 24, 2020	45 MoReg 1656
<b>20-16</b>	Extends Executive Order 20 12 regarding the activation of the state militia until December 30, 2020	September 15, 2020	45 MoReg 1562
<b>20-15</b>	Establishes the Interagency Task Force on Worker Classification	September 11, 2020	45 MoReg 1559
<b>20-14</b>	Suspends the requirement of physical appearance as stated in Chapter 474 by authorizing the use of audio visual technology	September 3, 2020	45 MoReg 1557
<b>Proclamation</b>	Amends the matters specifically designated and limited for consideration by the General Assembly in the July 15, 2020 Proclamation	August 10, 2020	45 MoReg 1338
<b>20-13</b>	Extends Executive Order 18 12 regarding the 2020 Census until November 30, 2020	July 31, 2020	45 MoReg 1303
<b>Proclamation</b>	Convenes the one hundredth general assembly of the State of Missouri in the First Extra Session of the Second Regular Session	July 15, 2020	45 MoReg 1220
<b>20-12</b>	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20 04. Gov. Parson also extends, in whole, Executive Orders 20 05, 20 06, and 20 08	June 11, 2020	45 MoReg 1064
<b>20-11</b>	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	May 30, 2020	45 MoReg 990
<b>Proclamation</b>	Calls for a special election on August 4th of 2020	May 26, 2020	45 MoReg 988
<b>20-10</b>	Extends Executive Orders 20 04, 20 05, 20 06, and 20 08 until June 15, 2020	May 4, 2020	45 MoReg 895
<b>20-09</b>	Extends the State of Emergency declared in Executive Order 20 02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated	April 24, 2020	45 MoReg 789
<b>20-08</b>	Suspends the requirement of personal appearance before a notary public by authorizing the use of audio video technology	April 6, 2020	45 MoReg 718
<b>20-07</b>	Waives late penalties for concealed carry permits for 60 days	April 2, 2020	45 MoReg 716
<b>20-06</b>	Activates the state militia in response to the COVID 19 pandemic	March 27, 2020	45 MoReg 587



<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>20-05</b>	Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency	March 23, 2020	45 MoReg 585
<b>20-04</b>	Suspends certain agency regulations to allow them to address the current state of emergency	March 18, 2020	45 MoReg 583
<b>20-03</b>	Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020	March 18, 2020	45 MoReg 580
<b>20-02</b>	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated	March 13, 2020	45 MoReg 529
<b>20-01</b>	Designates supervisory authority over select departments, divisions, or agencies of government	Feb. 03, 2020	45 MoReg 352

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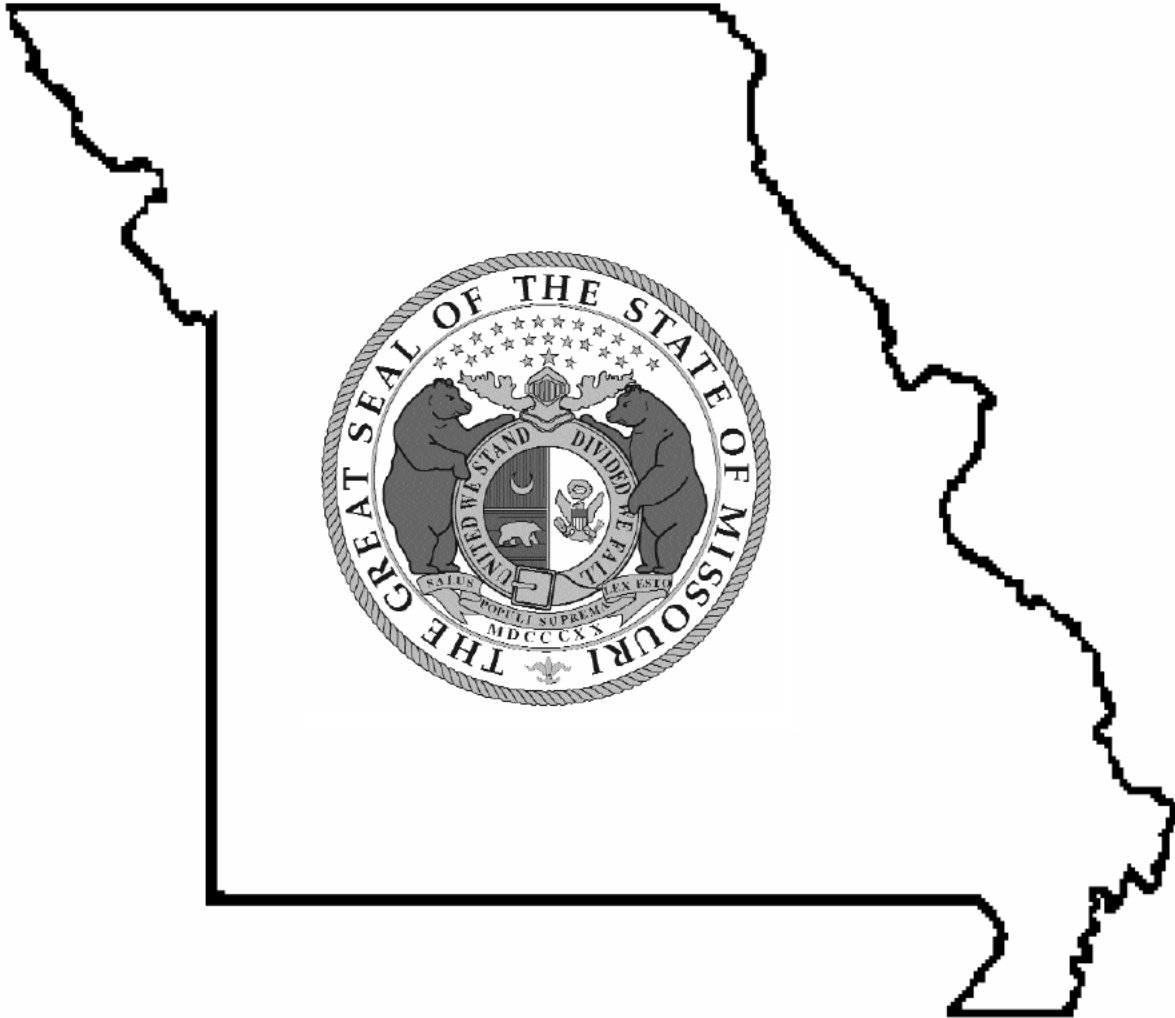
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# MISSOURI STATE RULEMAKING MANUAL



JOHN R. ASHCROFT  
SECRETARY OF STATE

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